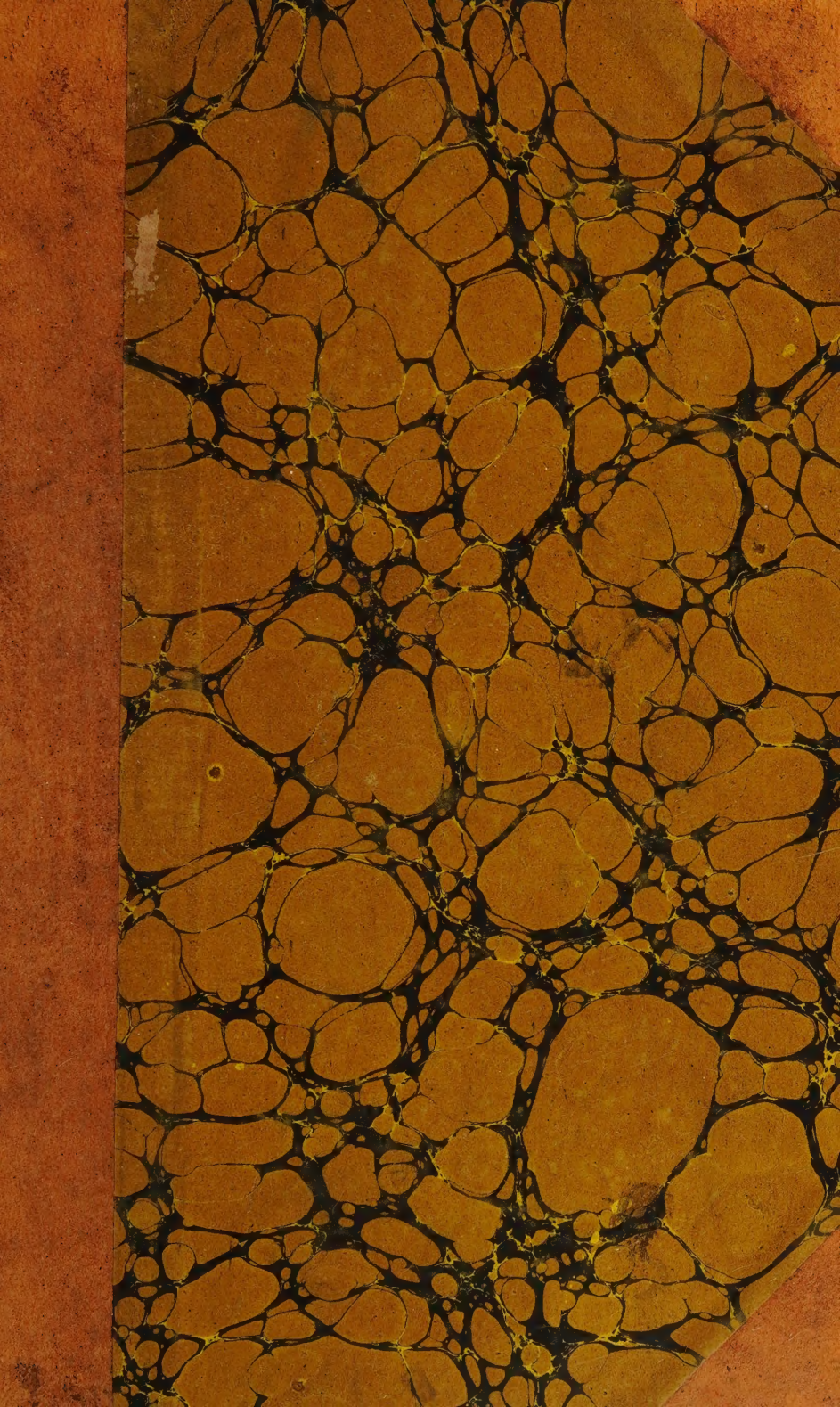

PACIFIC UNITARIAN SCHOOL FOR THE MINISTRY
NON MINISTRARI SED MINISTRARE
INCORPORATED
MAY 12, 1906

BERKELEY, CALIFORNIA

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CONSTITUTION

OF

THE SOCIETY

FOR THE

Promotion of Theological Education

IN

HARVARD UNIVERSITY.

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Boston:
OFFICE OF THE CHRISTIAN REGISTER.

F. Y. Carlile.....Printer.

THE Theological School in Harvard University was founded in 1819, *and rules and regulations were then instituted for its government, the appropriation of its funds, and the instruction and discipline of the students. The increased demands of the Institution making some alteration in these expedient, the Society, with the concurrence of the Corporation of Harvard College, adopted the following Constitution, Nov.* 17, 1824.

H864n

CONSTITUTION.

ARTICLE I.

Every person who has given, or shall give the sum of fifty dollars, to the funds raised by this Society for Theological Education, in Harvard University, shall be a member of the Society for life; and every layman, who shall subscribe and pay annually the sum of five dollars, and every clergyman, who shall subscribe and pay annually the sum of two dollars, shall be a member of the Society: Provided, that if any such annual subscriber shall neglect for three years successively to pay said sum, he shall cease to be a member.

ARTICLE. II.

There shall be an annual meeting of this Society for the choice of officers, and the transaction of their business, on the day before the Commencement at Harvard University, to be holden at such a place in Boston, or in Cambridge, as the Directors shall

12842

appoint, of which publick notice shall be given at least fifteen days before the time of such meeting.

ARTICLE III.

At every annual meeting there shall be chosen by ballot, by the majority of the members present, a President, Secretary, and Treasurer, who shall hold their offices for one year, and until others are chosen in their stead. And in case of the death, or resignation of either of the said officers, the vacancy may be filled, in manner aforesaid, at any legal meeting of the Society.

ARTICLE IV.

The President, if present, shall preside at all meetings of the Society; and in case of his absence, the Society shall choose a member to preside at such meeting. The President shall call a meeting of the Society whenever he shall think it necessary, and also when requested so to do by the Directors; and if the President be absent, or the office be vacant, the Directors may call any such meeting.

ARTICLE V.

The Secretary shall keep a record of all the proceedings of the Society, and of the Directors; and

he shall give notice of their respective meetings in such manner as the President or Directors in calling the meeting shall prescribe. He shall also communicate to all publick bodies, and other persons all such proceedings of the Society, and of the Directors, as they shall respectively direct to be so communicated.

ARTICLE VI.

The Treasurer shall collect and receive all monies given, or in any way due to the Society, and shall invest and dispose of the same according to the order of the Directors; and he shall render his account to them once in every year, and oftener if required to do so: Provided however, that all monies hereafter paid by those who are now annual subsubscribers shall continue to be paid over to the Treasurer of Harvard College, to be appropriated by the joint board of the Trustees of this Society, and the President and Fellows of Harvard College, as hereinafter provided, until such subscribers shall order the same to be disposed of otherwise: And Provided also, that if any future donor, or annual subscriber shall direct that the money contributed by him be paid over to the Treasurer of the College, to be appropriated by the said joint board in manner aforesaid, the same shall be paid over and appropriated accordingly.

ARTICLE VII.

The President, Secretary, and Treasurer, for the time being, together with the five Trustees, hereinafter mentioned, shall constitute a board of Directors; and if the said three first mentioned officers, or either of them, should at any time be vacant, the other members shall have all the power herein given to the whole board.

ARTICLE VIII.

The Directors shall take the general oversight and superintendance of the Institution, and make regulations for the admission, instruction and discipline of the students; such regulations to be submitted to the Corporation of Harvard College, for their assent, in all cases wherein by the constitution of the University such assent may be requisite. The Directors shall from time to time examine into the state of the Institution, its moral and religious character, and the progress of the students, and enforce a strict and faithful compliance with all the regulations; and they shall take all measures tending to promote the welfare and success of the Institution, as far as may be done by them without interference with the authority of said Corporation. The Directors shall appropriate all the funds which may be hereafter collected, and which shall not be paid over to the Treasurer of Harvard College as provided

in the sixth Article, in the manner that shall be directed by the respective donors; and if there be no specifick direction by the donors, then, in such manner as shall in the opinion of the Directors best promote the purposes of this Institution, as expressed in this Constitution; and they shall once at least in every year, lay before the Corporation, and also before this Society, a statement of their proceedings, and of the condition of the funds, of the students, and of the Institution in general. They shall also report to the said joint board, of the Corporation and Trustees, the claims of the students who may need pecuniary aid; and shall use all such means as they may deem proper and expedient for increasing the funds of the Institution, and also for aiding young men of ability and religious disposition to obtain a liberal education as a preparation for theological study, and for enlarging in other ways the number of the students; and shall endeavour in general to devise and carry into effect such measures as may promote the internal prosperity of the Institution, and make it an object of attention, interest, confidence and patronage, to the community.

ARTICLE IX.

There shall be five Trustees, to be chosen by the Society as soon as may be after the adoption of this Constitution; and all vacancies that may afterwards

occur among the Trustees, shall be filled by the remaining members of the board of Directors. The said Trustees shall be united in one board with the President and Fellows of Harvard College, of which board seven shall make a quorum, whose duty it shall be to appropropriate the funds which have been or may be collected, excepting such as shall be retained within the controul of the Directors, as provided in the sixth Article; to assist young men of competent talents, pure morals, and piety, in preparing themselves for the Christian Ministry, and to provide for them the best means of instruction which the funds of the Society will admit; it being understood that every encouragement be given to the serious, impartial and unbiassed investigation of Christian truth, and that no assent to the peculiarities of any denomination of Christians be required either of the Instructors, or Students.

ARTICLE X.

If at any time hereafter the Society shall think it best to appropriate the funds to be hereafter collected to a Theological Institution disconnected from Harvard College, and if the Directors of this Society, and the President and Fellows of Harvard College shall assent thereto, it shall be lawful for this Society to appropriate all the said funds hereafter collected to such other Theological Institution.

ARTICLE XI.

The Theological Faculty of the University shall, under the direction of the Directors, oversee and administer the interiour government of the Institution, and the discipline of the students; and they are requested to propose from time to time to the Directors such measures, as they shall think conducive to the prosperity of the Institution. They shall also have power to make regulations respecting the studies, and for the promotion of Industry, order, good morals, and piety, among the students; and all such regulations shall be forthwith laid before the Directors, and shall be in force until repealed by them.

ARTICLE XII.

The Society shall at their annual meeting appoint a committee of their own body to attend the publick examinations of the theological students; and to inquire into the state of the Institution, and the proceedings of its officers.

ARTICLE XIII.

The Society shall have power from time to time, to make additional rules, and to adopt other measures, to promote the objects of the Institution; provided the same be not repugnant to, or inconsistent with, the foregoing fundamental Articles.

The following gentlemen constitute the present board of Directors.

Hon BENJAMIN PICKMAN, *of Salem, President.*
Rev JAMES WALKER, *of Charlestown, Secretary.*
Mr SAMUEL A. ELIOT, *of Boston, Treasurer.*

Hon DANIEL A. WHITE, *of Salem,*
JOSEPH TUCKERMAN d. d. *of Chelsea,*
STEPHEN HIGGINSON Jr. Esq. *of Cambridge,*
CHARLES LOWELL, d. d. *of Boston,*
Rev HENRY WARE, Jr. *of Boston,*
} *Trustees*

ADDRESS

OF THE

DIRECTORS OF THE SOCIETY

FOR PROMOTING

THEOLOGICAL EDUCATION.

WITH THE

ACT OF INCORPORATION,

By-Laws

AND A

LIST OF THE MEMBERS OF THE SOCIETY.

Boston.

FROM THE STEAM POWER PRESS OFFICE.

W. L. Lewis, Printer.

1832.

THEOLOGICAL EDUCATION.

The Officers of the Society for Promoting Theological Education, lately incorporated and organized, present to this Christian community the following

ADDRESS.

"From the early part of the last century, Harvard University had possessed a Professor in Theology; and in the beginning of the present, by the bounty of a distinguished individual,* a Lectureship in the same department had been established. The College also held funds for relieving the expenses of students preparing for the ministry. But the means of obtaining a suitable education for the sacred office being manifestly quite inadequate, the government of that institution, in a circular letter, addressed in the year 1815 to some of its leading friends in different parts of the Commonwealth, and elsewhere, called the attention of the community to the subject. Subscriptions were in consequence obtained to the amount of nearly thirty

* The Honorable Samuel Dexter.

thousand dollars; and the contributors formed themselves into a society for the promotion of Theological Education, in Harvard University,—under an agreement with the College, that the fund should be in trust, with the President and Fellows of that corporation, jointly with five individuals, chosen from year to year, by the Society. A new professorship, that of Biblical Literature, was soon instituted, upon the basis of the lectureship previously existing, and the Divinity School assumed a form; and under the able care of the eminent men who filled its offices of instruction, its usefulness and importance rapidly increased. In the year 1824, a change took place in the relation of the Society to the College, by means of an agreement, that the Directors of that Society should exercise an immediate control over the Divinity School, prescribing its course of study, and originating rules for its discipline, subject to the revision of the college government, in all cases in which the Constitution of the College should so require. Under this administration, the number of students was considerably enlarged; the foundation of a separate library was laid; and Divinity Hall was erected for the accommodation of students, with apartments for their different exercises, and for lodging; and a third professorship, that of Pulpit Eloquence and the Pastoral Care, was established by means of new funds, obtained by the Directors from some of this community's numerous and enlightened friends of piety and learning.

"In 1830, the Directors made a proposal to the government of the College, which was acceded to on its part, that the Society's connexion with the Divinity School, both in respect to right of superintendence through the Directors, and to obligation to contribute to its support, should be dissolved. The present object of the Society is expressed in its altered name. Its relation to the University having ceased, it subsists as the Society for Promoting Theological Education, being now at liberty to use its discretion, in applying in any quarter whatever, the means which may be intrusted to it for that purpose. The College government then proceeded to commit to the Theological Faculty, consisting of the President and three Professors, the same trust in the immediate management of the Institution, which had hitherto been exercised by the Directors of the Society.

"This Society is now under no obligation to give to its funds one direction rather than another, except, that they must be appropriated 'for advancing the interests of pure Christianity and promoting a liberal study of the Scriptures,' and 'so as that every encouragement shall be given to the serious, impartial, and unbiassed investigation of Christian truth;' and 'that no assent to the peculiarities of any denomination of Christians shall ever be required.'"*

These purposes will be pursued by the Society, in reference always to theological education at the

* The aforegoing historical statement is taken from the Rev. Mr. Palfrey's Discourse, delivered before the Society at the public meeting held on the evening of Sunday, the 5th of June, 1831.

University, unless circumstances unforeseen and unexpected, should give a different direction to its funds, though to promote the same ends.

The Society have lately been incorporated under this name, "*The Society for Promoting Theological Education.*" It has been organized, and the following persons constitute its officers.

William Sullivan, Esq. President,
Rev. F. W. P. Greenwood, Secretary,
George Bond, Esq. Treasurer;

who, with the following gentlemen, constitute the board of Directors:—

Stephen Higginson, Leverett Saltonstall, Samuel May, and George B. Emerson, Esquires, Rev. Francis Parkman, and Rev. James Walker.

This Society is now entirely dependent for its usefulness on donations, and annual subscriptions. From such sources, it has been enabled heretofore to do the most essential service in the cause of pure religion, piety, and morality. Certain Congregational Societies have made annual contributions to its funds, and these contributions have been appropriated to aid indigent Divinity students in obtaining an education at the Theological School of Cambridge. Many well disposed individuals have made this Society its almoners, in the aforedescribed charity. The highly satisfactory state of the Theological Faculty at Harvard University, comprising the talents, labors, and zeal of Henry Ware, D. D. *Hollis Professor of Divinity*, Henry Ware, Jr. *Professor of Pulpit Eloquence and*

Pastoral Care, JOHN G. PALFREY, *Professor of Biblical Literature, and Dean of the Faculty*, and the increasing demand for Theological learning, and for devoted ministers of the Gospel show, that the same excellent spirit, which has enabled this Society to be useful, is rather renewed than exhausted. To constitute a member of this Society, one must have paid such sum or sums as are made necessary in the first article of the subjoined By-laws. Besides funds obtained in this manner, particular appropriations of congregations, or individuals, will be received and faithfully applied.

The Act of Incorporation and the By-laws are subjoined.

The Society respectfully solicits donations and subscriptions to promote its objects, (its present means being wholly inadequate thereto,) in the full belief that all charitable gifts which are applied to the dissemination of pure religion and of virtue, purify society, and adapt it to perpetuate, in tranquillity, the blessings of civil and religious liberty.

Commonwealth of Massachusetts.

In the Year of our Lord one thousand eight hundred and thirty-one.

AN ACT to incorporate the Society for promoting Theological Education.

Sec. 1. Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same: That William Sullivan, Stephen Higginson, Leverett Saltonstall, George Bond, Francis Parkman, F. W. P. Greenwood, James Walker, Henry F. Baker, Gideon Barstow, Amos Lawrence, Samuel Whitwell, Abbott Lawrence, and their associates, now known and acting as a voluntary association, under the name of the Society for Promoting Theological Education, with their successors, be, and they hereby are incorporated and made a body politic, under the name of the Society for Promoting Theological Education, for the purpose of assisting young men of competent talents, pure morals and piety, in preparing themselves for the Christian Ministry, and to promote Theological Education; with power to hold lands and other property for the purpose aforesaid, and the same to purchase or take by donation or bequest: Provided, however, that the same shall never exceed the annual income of twenty thousand dollars, and they may have a common seal, and the same may break and change at pleasure.

Sec. 2. Be it further enacted, That there shall be an Annual Meeting of the Society for the choice of Officers, and the transaction of such other business as may come before them at such time, and of which such notice shall be given as shall be established by the by-laws, to be holden at such place in Boston, as the Directors hereinafter mentioned shall appoint. And at the said meeting shall be chosen by ballot, by the majority of the members present, not less than nine Directors, who shall hold their offices for one

year, and until others are chosen in their stead; and they shall choose one of their own body to be President of the Society, and two others to be respectively Secretary and Treasurer; and in case of the death or resignation of either of said Directors, or of the failure of the annual meeting, Directors may be chosen in the manner aforesaid, at any legal meeting of the Society.

Sec. 3. Be it further enacted, That the said Society be, and they hereby are authorised and empowered to make and ordain all needful rules, regulations and by-laws for the government of their own proceedings, for the admission of new members, for defining the duties and powers of their own officers, and generally for the care and management of all the affairs of the Society. Provided, however, that nothing in said rules, regulations, and by-laws shall be repugnant to the Constitution and Laws of this Commonwealth; and provided also, that no assent to the peculiarities of any denomination of Christians shall be required of the Beneficiaries of said Society, and that no discouragement be in any manner or form given to the serious, impartial, and unbiassed investigation of Christian truth.

Sec. 4. Be it further enacted, That it shall be lawful for the present Officers of the voluntary association mentioned in section first, to exercise the powers given to the like officers in this Act, until the first annual meeting of the Society, of which public notice shall be given by the Secretary, at least ten days before the time of such meeting.

In the House of Representatives, June 20, 1831.
Passed to be enacted,
W. B. CALHOUN, Speaker
In Senate, June 21, 1831.
Passed to be enacted,
LEVERETT SALTONSTALL, President.
June 21, 1831.
Approved. LEVI LINCOLN.
A true copy. Attest,
EDWARD D. BANGS, Secretary of the Commonwealth.

BY-LAWS.

ARTICLE I.

Every person who has given, or shall hereafter give, the sum of fifty dollars to this Society, and every clergyman who has obtained or shall hereafter obtain from his congregation the contribution of one hundred dollars to the same, are recognized as, and declared to be Members of the Society for Life ; and every layman, who shall subscribe and pay annually the sum of five dollars, and every clergyman who shall subscribe and pay annually the sum of two dollars, shall be Members of the Society, so long as they shall continue to make such payment ;—and no terms of membership, other than the payment of sums of money as aforesaid, shall ever be instituted, without the assent by vote of two thirds of the members present at any meeting, which may be called for the purpose of altering this by-law, by public notice in two or more newspapers, published ten days before the time of meeting.

ARTICLE II.

The annual meeting of the society for the choice of officers, and for the transaction of any other busi-

ness shall be holden on such day, in the month of February, annually, and at such place in Boston, as the Directors shall appoint, and of which public notice shall be given.

ARTICLE III.

The Board of Directors shall consist of nine persons; and at all their meetings a majority of the whole number shall constitute a quorum.

ARTICLE IV.

The President, if present, shall preside at all meetings of the Society, and of the Directors, and in case of absence, a chairman shall be appointed. The President, or in his absence, the Directors, may call meetings of the Society.

ARTICLE V.

The Secretary shall keep a record of all the proceedings of the Society and of the Directors, and shall notify their respective meetings. He shall also communicate to all public bodies, and other persons, all such proceedings of the Society and of the Directors, as they shall respectively direct to be so communicated.

ARTICLE VI.

The Treasurer shall collect and receive all monies given, or in any way due to the Society, and shall dispose of the same as shall be ordered by the Directors. He shall render his account to the Directors once a year, and oftener if required; and a report

shall be made to the Society, at their annual meeting, of the account for the proceeding year.

ARTICLE VII.

The Directors are authorised to establish such rules for their own government, as to meetings and the modes of proceeding therein, as they shall think expedient. They shall have charge of all the prudential concerns of the Society, and may direct and control the proceedings of all the Officers of the Society, and devise and carry into execution all such measures as they may think conducive to the ends of this Association. It shall also be their duty, once in every year, to lay before the Society a statement of the proceedings of their board, and to inform them of the success that may have attended their exertions.

The following form of Devise or Bequest will enable the said Corporation to take, viz.

I give and devise to the Society for the Promotion of Theological Education the following *real estate*, [inserting it.]

And for PERSONAL *Estate,*

I give and bequeath to the Society for the Promotion of Theological Education Dollars.

If the Donor intends any special appropriation of the gift, it is to be expressed in the testament accordingly.

LIFE SUBSCRIBERS.

Deceased Members are designated by an Asterisk.

*John Adams, Quincy
*John H. Andrew, Salem
Nathan Appleton
*Jonathan Amory
E. T. Andrews
Benjamin Adams
Abel Adams
P. C. Brooks
Thomas Bartlett
*Edward Blake, Jr.
*Wm. Brown
Wm. Brown, Waltham
Thomas D. Bradlee
George Bond
Wm. Bartlett, Newburyport
James Byers, Springfield
Gideon Barstow, Salem
Andrew Brimmer
John Brazer, Salem
Sarah Blake
Benjamin Bussey
*Samuel Bradford
John Bellows
Josiah Bradlee
Joseph P. Bradlee
Thomas Brewer
*Moses Brown, Beverly
*Hodijah Baylies, Dighton
Charles Barnard
W. E. Channing
*Joseph Coolidge
Joseph Coolidge
B. W. Crowninshield, Salem
Thomas P. Cushing
Mary Cochran
*Geo. Cabot
*Geo. Crowninshield, Salem
*Samuel Cobb
Joshua Clapp
*Thomas Dawes
Joshua Davis
*Charles Davis
John Dorr
Edmund Dwight
*Elizabeth Derby
Pickering Dodge, Salem
Humphrey Deveraux, do.
*John Derby, do.

*Aaron Dexter
*Amasa Davis
Samuel Dow
Josiah Dow, N. York
*Eleanor Davis
Thomas Dennie
*Thomas Dwight, Springfield
*Jonathan Dwight, do.
Jonathan Dwight, do.
Katharine Dexter
Lorenzo Draper, N. York
Lambert Dexter
*Sarah Dearborn
*Samuel Eliot
David Ellis
Otis Everett
*Catharine Elliot
Robert Elwell, N. York
*Samuel Endicott, Salem
Samuel A. Eliot
Eben. Francis
Jer. Fitch
John French
A. W. Fuller
Joshua Fisher, Beverly
John Forrester, Salem
*Charles Forrester, do.
*H. H. Fiske
Henry Gassett
Francis C. Gray
John C. Gray
F. W. P. Greenwood
Nathaniel Goddard
David Greenough
E. S. Gannett
Joseph Hurd, Charlestown
*Lemuel Hayward
Daniel Hastings
Nathan Hale
Daniel Hammond
H. C. Howard
*John Howe
B. P. Homer
*Bezaleel Howard, Springfield
H. M. Hayes, N. York
Samuel Hammond
S. Hoar, Jr. Concord
Charles Jackson
James Jackson
P. T. Jackson
*J. C. Jones
T. K. Jones
John T. Kirkland
Jacob N. Knapp, Walpole, N.H.
*James Lloyd
Charles Lowell
Thomas Lee
John Lowell
*Joseph Lee
*Francis Lee
*Wm. Lambert, Roxbury
John Lowell, Jr,
Luther Lawrence, Lowell
William Lawrence
Amos Lawrence
Abbott Lawrence
John Lamson
James O. Lincoln, Hingham
Ruth Mackay
Samuel May
Thomas Melvill
Perrin May

Israel Munson
E. W. Metcalf, Cambridge
Andrews Norton, Cambridge
*Samuel Orne, Salem
*Charles H. Orne, do.
Joseph Orne, do.
H. G. Otis
G. A. Otis
Samuel Parkman
John Parker,
Thomas H. Perkins
Francis Parkman
*James Prince
Enoch Patterson
D. P. Parker
William Parsons
William Prescott
Sarah Parkman
John Pierpont
John G. Palfrey
James Perkins
Jonathan Phillips
Samuel Parkman, Jr.
Gorham Parsons, Brighton
D. L. Pickman, Salem
Stephen Phillips, do.
Wm. Pickman, do.
Benj. Pickman, do.
Joseph Peabody, do.
Stephen C. Phillips, do.
Eliphalet Porter, Roxbury
Josiah Quincy, Cambridge
Andrew Ritchie
*Isaac Rand
John Randall
John Rogers, Cincinnati
R. Rogerson
Reuben Richards
*D. D. Rogers
Benjamin Rich
Eben. Rollins
James Read
Henry Rice
*Mrs. Samuel Smith
*David Sears
James Savage
Wm. Sturgis
Francis Stanton
Jacob T. Slade
C. K. Sargent
Benjamin Seaver
R. G. Shaw
*Barney Smith
Wm. Sawyer
Geo. Searle
Lemuel Shaw
H. Sigourney
Nathaniel Silsbee, Salem
Leverett Saltonstall, do.
Benj. Swift, Charlestown
Joseph Story, Cambridge
R. Sullivan, Brookline
*Samuel C. Thacher
*Edward Tuckerman
Edward Tuckerman
Samuel Torrey
R. D. Tucker
Geo. Ticknor
Israel Thorndike
Israel Thorndike, Jr.
John G. Torrey
Gideon Tucker, Salem

Lewis Tappan, N. York
Phineas Upham
John D. Williams
T. L. Winthrop
John C. Warren
Charles Walley
*John Wood
Daniel Webster
Stephen White
James Walker
Timothy Williams
Thomas Wigglesworth
Eliphalet Williams
Daniel Weld
Thomas B. Wales
Samuel Whitwell
*Joseph White, Salem
Henry Ware, Jr. Cambridge.

ANNUAL SUBSCRIBERS.

Andrew Brimmer
Samuel A. Eliot
R. W. Emerson
N. L. Frothingham
E. S. Gannett
T. B. Gannett, Cambridgeport
Nathan Hale
John Pierce, Brookline
Thomas Parsons
Samuel Ripley, Waltham
William Sullivan
Daniel Sargent
G. Tuckerman.

REPORT

ON

DIMINISHING THE COST OF INSTRUCTION

IN

HARVARD COLLEGE,

TOGETHER WITH A

MINORITY REPORT

ON THE SAME SUBJECT.

REPORT.

The committee, to whom were referred sundry resolutions for diffusing learning more effectually by diminishing the cost of instruction in Harvard College, beg leave to report:

Access to the College should be as free as possible. At present, a person admitted to advanced standing is obliged to pay into the treasury at the rate of $45 per annum, according to the standing to which he is admitted. Such a charge taxes the sons of our citizens for the privilege of resorting to an institution which belongs to the public. The committee decline censuring the custom as it has existed in times past, and believe that Harvard College has not been altogether alone in it; but they are unanimously of opinion, that for the future the practice should be abolished; and that any person should be admitted to the standing for which he is qualified, without any pecuniary consideration.

The committee gave great attention to the subject of the practicability of reducing the expenses of tuition, and have arrived at the conclusion that such reduction is practicable, expedient, and required by a just regard for the public good.

The fact that other expenses, such as for board and fuel, are greater at Cambridge than at other colleges, is

an additional reason for making the expense of tuition less.

A difficulty seemed to arise from the specific appropriation of many endowments to particular professorships and branches of instruction; but, on examination, the restrictions are found not unfavorable to the frugal application of this branch of the college revenue. The incomes from these endowments, almost without exception, perhaps it might be said, without any exception, are appropriated to objects which must otherwise have been a charge on the general funds.

A more weighty, though not an insurmountable objection to immediate reduction presented itself in the fact, that the general funds of the college have recently been very seriously impaired by excessive expenses for construction. The magnificent bequest of Gore, the most considerable pecuniary benefactor of the college, has been almost exhausted on a building for a library, of which the cost has, by the treasurer's statements, exceeded seventy-three thousand dollars. One half that sum would have served to raise an edifice, as well or better adapted to the purposes of a library; and such an edifice should have been constructed out of the savings from the annual income of the fund. The loss is a loss to all future generations. The committee believe every effort at reduction will be delayed, unless the funds of the college shall be preserved unimpaired. In this view, they recommend, that the consent of the Overseers should be formally solicited, before any plans of building shall be resolved upon, in order that the design may obtain publicity and be subjected to scrutiny and discussion.

Yet your committee are of opinion, that the funds still preserved will justify and demand a great reduction of the

expenses of the College; they report with satisfaction, that the excess, the last year, of income over expenditure, was $7,115 53; and they proceed to point out the manner in which reduction may be effected without violent changes, and without the infringement of any existing right. They disclaim every thought of awarding censure or praise; they disclaim every disposition to narrow unduly the incomes of the instructers, or to question their conscientious fidelity. It is assumed that the professors perform all that is demanded of them, and that an enlargement of their sphere of usefulness would be well received by them. The main reliance must ever be on the conscientious uprightness and self-directing energy of the professors themselves.

The committee have sought to enlighten their judgments by considering what the New England mind has accomplished, in organizing other institutions of a similar character.

The under-graduates in Yale College, are three hundred and ninety-four in number, and their term bills amount to $18,732 59, or, perhaps, to $20,323 18. The under-graduates at Cambridge, are but two hundred and fifty-four, and though more of them in proportion have rooms out of College, their term bills amount to $21,696 35.

At Yale, the government and instruction of three hundred and ninety-four students cost $15,201 01; at Cambridge, the same services for two hundred and fifty-four students, cost more than $26,500.

The Common Fund at Yale, is $30,090 04; the Common Fund at Cambridge, including the Tutor's fund, is $197,356 06; and between the respective specific funds there is a similar disproportion.

Yet the tuition fees at Yale, are $33 annually; at Cambridge, are $75 annually.

Your committee have endeavored to arrive at some of the causes of these differences; where the greatest results are produced by the least considerable means.

The capital defect in the system at Harvard is this: The President of the College teaches nothing. His mind is not brought into contact with the minds of the students. He is an overseer, rather than a College officer. The emoluments of his place are a salary of $2,235 00, with a house and grounds, of which the rent may be valued at $500 00, or more, per annum, besides an allowance for expenses of $538 53; in all, $3,273 53. To relieve the President from the duty of conducting morning and evening prayers at the University, a further sum is paid for that purpose to two theological professors. Then, for the finances of the College, there is, very properly, a treasurer; for out-door affairs, contracts, and details of business, there is a steward; for the ordinary routine of the discipline of the College, there is a parietal board.

Such a state of things exists in no other New England College, with which your committee are acquainted. At Yale, the venerable President, who has three hundred and ninety-four students under his government, while at Cambridge there are one hundred and forty less, is an efficient instructer. He teaches Logic, Intellectual and Moral Philosophy, and Political Economy.

The distinguished Professor at Amherst College, recently elected its President, does not think of declining his usefulness as a teacher, but reserves to himself a still wider field of instruction than the President of Yale.

The learned and most estimable President of Williams' College, with a salary of $1,200 and a house, has "*almost*

the sole charge of the Senior Class," giving instruction in Rhetoric, Moral and Intellectual Philosophy, Natural Theology, the Analogy between Natural and Revealed Religion, and other topics.

In the German Universities, as the committee are informed by one of their number, the idea of a presiding officer, not connected with instruction, is universally exploded.

Your committee recommend, therefore, as the first retrenchment, that, so soon as a vacancy in the Presidency of Harvard College, shall occur, the corporation be advised to select for that station one now a professor, or one who will do the duties of a professor. This will relieve the general funds of at least $2000 per annum.

As your committee proceeded to inquire into the emoluments and duties of the professors, they were very much surprised at discovering the great differences which prevail in the amount of their respective labors.

Instruction of under-graduates at college partakes of the nature of instruction at universities and instruction at high schools. Teachers of a gymnasium or a high school, the head master of the Boston Latin school, for example, would not think the appropriation of five or six hours a day to instruction, an unreasonable requisition. At European universities, professors have taught classes three hours daily, till into late age. At Cambridge, full one fourth part of the year is a succession of holidays ; long periods of leisure, such as the merchant, the lawyer, the physician, the farmer, the mechanic, the divine, cannot hope to enjoy. Your committee, therefore, think it not unreasonable, that during their thirty-nine weeks of activity, the teachers at Harvard should devote three hours a day to instruction during the period of active service.

This view is confirmed by the course pursued by the Alford professor. He is paid $1320 from his foundation, and $680 from the general fund; and his labors in instruction employ him at least three hours daily. To ask more of him would be unreasonable; and the same remarks seem applicable to the Boylston professor.

The Perkins professor, with a salary of $1200 from the specific fund, and $800 from the general fund, teaches, on the average, without deducting holidays and omissions, eleven hours and a half per week. The McLean professor, with a salary of $1000, appears, from the public documents, to employ, during the chief portion of one of the terms, about four hours a week, as a teacher; and in the other half has no duties; in other words, he teaches on the average of the year, less than two hours a week, for thirty-nine weeks. But your committee have no remarks to make on the condition of these professorships, as the question, which would arise, would relate to an increased efficiency in the department of Mathematics and of History, and not to retrenchment.

In the branches of the ancient languages, the professors of Greek and Latin teach but two hours a day. Their salaries are $1800. They instruct only voluntary pupils, out of the higher classes, and are at present wholly relieved from the necessity of conducting the required studies of the freshmen. All this makes their duties peculiarly agreeable. For the instruction of the freshmen in Latin and Greek, two tutors are appointed, who each instruct fifteen and a half hours a week. Your committee think it would not be unreasonable to divide the duties of one of the tutors between the two professors; and a saving would be made of the salary of one tutor, that is, of $645 annually.

In the department of modern languages, there are five instructers, one of whom, the Smith professor, receives a salary of fifteen hundred dollars. From the published documents of the college, it does not appear that this teacher did more, during the last term, than read lectures two hours a week. And in the next term, it would seem, that he proposes to give no instruction whatever. For the year his instruction would seem to average scarcely one hour a week, for thirty-nine weeks, or about one eighteenth part of what is accomplished by the Alford professor. The teachers of French and German, with a salary of five hundred dollars each, give instruction nine hours in the week; the teachers of Spanish and Italian, at the same salary, six hours in the week. The committee would respect all existing rights; but suggest, that when the office of Smith professor becomes vacant, the teachers of the French and Spanish languages should be paid from the specific fund, agreeably to the will of its founder; and that the professorship under its present form, should be abolished altogether. This would effect a saving to the general fund of $1400. Perhaps, also, the Italian class might be given up, which would effect a further saving of $500.

The duties of the Erving professor, as far as he is connected with the under-graduates, are so inconsiderable as to justify a retrenchment in that quarter. He receives $200 from a specific fund, and $1000 from the general fund. Yet for one half of the year, he has no duty with the under-graduates, and for the other half, averages scarcely two hours and a half in the week. We cannot but think, that, in the event of a vacancy, this department should be reformed. A saving would be justified here of $700 annually.

Here your committee pause. They propose to retrench—

In the President's department, . . .	$2000
In the department of Ancient languages, .	645
In the department of Modern languages, .	1900
In the department of Chemistry, . .	700
Total proposed retrenchment, . .	$5245

As the present excess of income over expenditure is $7115 53, it is obvious that the fees for tuition may be reduced.

To this the Committee add, that the diminution of expense will increase the number of pupils, and consequently the revenues of the college; and all salaries hereafter should be predicated in part on the contingency of such increase. Such a proposition was forcibly advocated some years ago by Mr. Andrews Norton, whose experience and opportunities of observation gave great value to his opinions; but when an attempt was made to give efficacy to this recommendation, the condition which Mr. Norton suggested as indispensable to its success, was wholly disregarded; the failure which he intimated as likely to follow such neglect, speedily ensued, and the whole movement ended only in an increase of the fixed salaries of the professors.

Your committee would further indicate, that some funds, now applied to the theological school, might be reclaimed, for the benefit of the under-graduates.

Should the measures here proposed be adopted, Harvard College would be brought nearer the affections of the American people. To this end your committee propose the following resolutions:

Resolved, That the Overseers of Harvard College do not consent, that a person fitted for an advanced standing, shall be charged at the rate of $45 per annum, according to the standing to which he is admitted.

Resolved, That the Overseers of Harvard College do not consent, that the general funds of the college should be impaired, or an expensive building be undertaken, without it be most expressly "allowed" by the Overseers.

Resolved, That the tuition fees of Harvard College should be reduced from $75 per annum to $33 per annum.

Resolved, That a joint committee of three from the Overseers, and two from the Corporation, be appointed to mature a plan for reduction, at the earliest practicable period.

GEORGE BANCROFT,
LINUS CHILD.

Boston, February 27, 1845.

MINORITY REPORT.

MINORITY REPORT.

BOARD OF OVERSEERS,
February 25, 1845.

The undersigned, a minority of the Committee to whom was referred, at the last meeting, the subject of the reduction of collegiate expenses at Harvard University, having duly considered the same, and feeling bound to dissent from the propositions adopted by the majority, as the basis of a report, asks leave to submit the following remarks as a Report of the Minority:

The undersigned considers it an established, if not an admitted, fact, that a more extensive education is given at Harvard University, than at any other American College. Some branches of education, the modern languages, for instance, are cultivated to a much greater extent at this University, than at any of the like seminaries in New England.

In those important branches which are taught here in common with Colleges of high distinction in other States, the undersigned believes that the graduates of Harvard College are, on the whole, as distinguished for their proficiency as those of any other; and he cannot but think, after much observation and frequent inquiry for a long pe-

riod, that the character of the Institution, generally, as to intelligence, industry, and good morals, deserves to stand as high in the judgment of the community.

But it is said that, however great or undoubted may be the advantages of an education at Harvard, the expenses are too high, and the College charges should be reduced. This is an objection which is entertained by many respectable individuals, and to which the undersigned is disposed to give the most candid and respectful consideration.

The benefits conferred by Harvard University on the community, will not be lightly estimated by any one who considers the character, generally speaking, of its Alumni. And while those benefits, as they now exist, should not be undervalued, it is equally our duty to make every reasonable effort to extend them. It is therefore highly desirable that the College charges at Cambridge should be diminished, provided it can be done without a diminution of the important and useful knowledge now communicated to the students. This consideration is certainly of moment. It has been the course of our literary institutions generally, if not universally, to increase, from time to time, the amount of knowledge taught within their precincts, and the sanction given by this Board to what is called the Elective system, is a strong encouragement to believe that a retrograde movement would find little favor at their hands. It would certainly be a simple and effective process to diminish, materially, the expenses of tuition, by lopping off some of the most important departments of instruction, but to many a student, the lopping off of his right arm would scarcely be inflicting a worse injury. Harvard University has now, according to the last catalogue, about two hundred and fifty under-graduates, a larger number, the undersigned be-

lieves, than any similar institution in the country, except Yale College.

The larger part of its students never have been, nor can they well be, the sons of opulent men, and to render their education less thorough and complete, seems, to the undersigned, a war against the best interests of the public.

We now come directly to the important and interesting question, whether the College charges at Cambridge, can be diminished, without injury to the cause of education, or injustice to the teachers.

According to a statement furnished to the undersigned by the steward, and hereto annexed, with the additions of some small items, the whole amount of necessary charges annually, exclusive of apparel, travel, &c., is, on an average, about $210. This includes board in commons, on an average of $2 per week.

It ought to be stated, however, in this connection, that from thirty to forty students annually receive from $30 to $50 each, from the funds of the College, in the shape of exhibition money, and can have the advantage annually of a loan without interest to the amount of $30 or $40 more, being $60 to $90 to each.

According to the printed catalogue of Yale College of 1842–3, the average amount of the like charges there, is $165 annually, board included. This deducted from $210 for the expenses at Cambridge, as above, leaves a difference against Cambridge, in necessary charges, of $45 annually on an average. Funds for indigent and meritorious students also exist at Yale, though the precise amount is not known. Of the above amount at Cambridge, $75 is stated to be for Instruction, Library and Lecture Rooms.

By the catalogue of Yale, mentioned above, it appears, that the annual charges there, for instruction and recitation rooms, are $36 annually. The first question raised in committee was, Can the above charge of $75 at Harvard, for tuition, be lessened with propriety? This question chiefly engaged their attention during two meetings, the last of which was held on the 12th of this month. After much discussion on this and other topics, the chairman stated that he was under the necessity of departing from the city, and thought it desirable that the committee should agree on certain leading propositions as the basis of a report, to be drawn up by him while absent, and transmitted here. It had previously been contemplated to procure information from some department of the College government, but the design was relinquished by the committee, on the ground that, if reasonable time were given for procuring such information thoroughly and in a precise shape, no report founded thereon could be drawn up in season. The majority of the committee seemed therefore to prefer going on with the information then before them, and adopted certain general propositions.

These will presently be noticed more particularly. They seem most of them predicated on the supposition that the expenses of tuition at Cambridge could and ought to be reduced, in one or both the following ways, viz: by diminishing the number of officers and increasing the duties of those who are left, or by diminution of salaries when not matter of contract. To the course proposed the undersigned could not consent without further knowledge. He had reason to doubt the correctness of many of the premises laid down by the chairman, as well as the soundness of many of his conclusions; and his doubts have been since confirmed by the examination of

documents, which he thinks that able and learned gentleman must have read inadvertently. Besides, he thought that the knowledge possessed by the committee, if correct, was quite insufficient. Admitting that the impossibility of receiving information from the College government, in due season, was a reason for not applying therefor, the undersigned can see no warrant for recommending important and definite action, without such information, on subjects of such extent and delicacy.

The general question of reducing expense, by reducing the number of the Faculty and Instructors in Harvard University, or the compensation of any of them, or increasing their duties, is one which the undersigned is compelled to think cannot fairly be decided without inquiries addressed to the corporation or the President, and, through them, to the officers concerned.

We must first know accurately the actual duties performed, as well as pay received by these officers. They are, in effect, put upon trial, and the undersigned thinks that they should be allowed, certainly not the powers of judges, but the privileges of defendants. The document which the majority of the committee seemed to consider as a warrant for their course, was the tabular statement of hours spent by the instructors, respectively, with the students in the recitation and lecture rooms. But surely the time thus spent is not the sole index of the teacher's labors. The different nature of the branches taught may render this work far more toilsome in one branch than in another; and the same remark may be made of the mode of teaching. It is one thing, for instance, to hear the declamations of a class, and another to examine critically their exercises, or hear them recite in a difficult branch. Besides, the preparation for the exercise on the part of

the instructor may occupy far more time than the exercise itself. Thus it would appear, from the College report of 1842, that the Professor of Chemistry is obliged to spend from five to eight hours in preparing for a lecture probably occupying not more than one. The following is a short extract from a clear and pertinent letter of that officer to the undersigned. After stating, in detail, the duties of his office, he adds: "Thus, although I am not absolutely occupied in delivering lectures, or with a class, many hours in the day, you perceive nearly all my time is devoted to, and occupied by, the duties of my office."

The undersigned, therefore, objects to the conclusions of the majority, generally, as assuming, without sufficient evidence, that the expenses of education at Harvard can be *properly* diminished, by diminishing the number of instructors, or by diminishing the pay, or increasing the duties of some of them.

He does not say that this proposition is in itself incorrect. He will not venture to assert either this or the contrary, in the present state of his knowledge, and to acquire the proper information would demand an investigation, which, if he had the power of making it at all, he certainly has not had the time for doing. But he thinks the majority have, all along, assumed the point which is to be proved, and proved, too, in his humble judgment, if at all, from facts not yet in the possession of the committee.

In closing these general remarks on the expenses of education at our University, the undersigned cannot help adverting to an important distinction to be regarded by every one who would answer fairly the question, whether education at Cambridge is more costly than at any other College in the country. If the question, in fact, mean whether a greater outlay of money is required, it admits

of no other than an affirmative answer, though the difference between our University and the highly respectable one at New Haven, is probably less in this respect than is often supposed.

But if the question be whether education be dearer at Harvard University than at other New England Colleges, *due regard being had to the equivalent received, by the student in the intellectual advantages offered to him*, the undersigned is firmly convinced that the very opposite answer must be given. Still, to reduce the cost without reducing the value of those advantages, is certainly, if practicable, desired by none more than by the undersigned, and he would be far from opposing any investigation into this subject in a proper mode, or any reduction of expenses, in which due regard should be had to the interests of the University, and the fair, and not more than fair, compensation of its officers.

It may be proper here to notice some information on this head, received from members of the corporation since the above remarks were written. The undersigned had supposed that the salaries of most of the professors were founded in part on grants revocable in terms. He now learns, that the salaries of the professors of Rhetoric, Greek, Latin and Mathematics, (he believes of others also), have been fixed in each case as they now stand, either by agreements with the incumbents at the time of settlement, or by votes since passed by the corporation, without condition or limitation. Whether such votes can be legally rescinded, is at least questionable ; but it would seem, at any rate, that the reasons which would justify any proposal to rescind them, ought to be of an exceedingly strong character.

In relation to the other general expenses of the univer-

sity, the undersigned has had no means of forming a judgment, which are not in possession of this board. He presumes, however, that those expenses are not extravagant, from the fact, that there is a surplus of income over expenses, for the past year, as stated in the treasurer's report, of more than seven thousand dollars,—presumptive evidence, certainly, of judicious economy.

It is now proposed to notice more particularly the points stated as the basis of a report, by the majority, as minuted down by the undersigned.

These were:

First. That it be recommended to abolish the charge for entrance to an advanced standing. On this the undersigned remarks,

1st. That it is not applied to pupils regularly dismissed from other colleges. 2d. That is a charge of long standing, and that a similar charge exists at Yale, as stated in their catalogue of 1842–3, at Williams College, and it is believed at other collegiate institutions. 3d. That it is often remitted; and lastly, that it is a charge against those who receive the advantages of the College without residing the whole College term; and as it goes into the College treasury, operates to reduce expenses to those who enter at the regular time. Still, as the amount received by the College is small, and as the charge may sometimes be inconvenient to the pupil, the undersigned, while he cannot admit that it is obnoxious to the stigma which has sometimes been cast upon it, concurs with his associates so far as to recommend its discontinuance.

2. The second proposition laid down, was understood to be, that the salaries of the teachers, should depend,

in part, on the number of their pupils respectively. The undersigned replies, that he believes this provision exists in no other New England College. Secondly. That it was actually tried at Harvard, from August, 1839, to February, 1842, a period of nearly three years, and then given up, (see Treasurer's Report of 1842,) a fact which ought to receive great regard. There are, as the undersigned thinks, other grave objections, which he omits to state, from an unwillingness to prolong this document.

3. Another proposition, laid down by the majority of the committee, was, that there is nothing in the statutes of the several foundations of professorship, which would restrict the corporation in diminishing expenses, any more than if the professors on those foundations were paid entirely from the College treasury.

From this proposition the undersigned dissents, and thinks the affirmative cannot easily be maintained by any one who reads, attentively, the statutes imposed by the founders of the Hollis Professorship of Divinity, the Professorship of Mathematics and Natural Philosophy, the Alford, the Eliot, or even the Smith, Professorship.

4. Another proposition laid down, was, that no salary should be hereafter fixed by the Corporation, without the consent of the Overseers. In opposition to this, the undersigned refers to the charter of the College, and the practical construction it has received from the usage of the Corporation and Overseers, for nearly two hundred years, both of which concur in proving that the exclusive control of the finances and revenues of the College, belongs to the Corporation.

It appears from Quincy's History, Vol. I, Appendix 57, that, in 1723, this question was pointedly argued before the Governor and Council, on the basis of the charter, and

the decision was in favor of the Corporation. This decision, as stated in the same work, has not been disturbed in any subsequent legislature, and the practice, it is believed, has been uniform. If, under such circumstances, this question is not to be considered as settled, the undersigned knows not how any question can become so.

5. It was also proposed to raise a joint committee of the Overseers and Corporation, to take measures for reducing the expenses of instruction.

The first objection to this is the very important one which lies against the whole tenor of the conclusions of the majority, viz., that it is assumed that such diminution can be made, without injustice to instructors, or injury to the cause of education, a position which, if *true*, is not yet *proved*.

The second objection is that, by the very terms of the charter, such a proceeding would be illegal, as the charter gives the Overseers, in no case, any other than an assenting, or dissenting, power.

To the undersigned, such a measure seems as irregular, as if the Governor of one of the States, in virtue of his power of approval or veto, should assume a place on a joint committee of the legislature, for the purpose of framing and reporting a bill.

6. It was said that it should be made part of the President's duty, (without however applying the rule to the present incumbent,) to take part in instructing the students. This could not be done without an important change in the very various and laborious duties of that office. This is a question of much importance and difficulty, and as it is confessedly one not of immediate necessity, the undersigned cannot see the propriety of now agitating it.

7. It was said that the dearness of the articles of life at Cambridge was an additional reason why the cost of tuition should be diminished.

True, so far as the same is practicable. But it is in some measure rendered less practicable by this very cause; for the high cost of the means of living is a burden on instructors as well as on students. A salary may be no more than just at Cambridge, which might be exceedingly liberal in some other places.

In relation to the first resolution referred to this committee, which states in substance that the expenses of tuition at Cambridge, where a majority of the professors are established on endowments, ought not to be greater than in colleges where the professors are chiefly supported from the quarter bills of under-graduates, it may be observed, that, if there were no teachers at Cambridge except such as are established on foundations, the expenses there would be less than at many other colleges; for in that case the whole amount paid by under-graduates, towards the salaries of teachers, would be about $4550 annually, or $18 20 per under-graduate.

This appears by a table hereto annexed, drawn from the treasurer's last report.

There are other officers paid entirely from the general treasury; and with regard to these the foundations are of no moment, at least, if we except the income of the Permanent Tutors' Fund, of less than $1300 annually.

The true question is, whether the whole number of officers, with and without foundations, or the salaries of any of them, can be diminished?

This general question has already been noticed. Admitting the right to make such a change, and this with respect to *some* of the teachers is certainly questionable,

the propriety of doing so, as has been already intimated, must be made out by those who advise it; and the undersigned repeats, he knows not how it can be decidedly recommended, without a large amount of information to be procured from the Corporation and the Faculty. Besides, when it is asked why education should be more expensive at Cambridge than elsewhere, we should not forget another important question, whether the additional amount of useful knowledge there taught is not worth the difference? Not to justify any expense really unnecessary, but to judge more clearly, what should be so denominated.

It has been suggested to this Board, that no Professor ought to be chosen on any new foundation till the income should be singly sufficient for the support of a competent officer. The undersigned is inclined to assent to this, except in cases when the branch of knowledge proposed to be introduced should be of great and manifest utility.

It has been further suggested, that on the occurrence of a vacancy, in this description of professorships, it should not be filled, till the fund had accumulated to a sufficient magnitude. To this the undersigned cannot assent in all cases. Take, for instance, the two professorships of this class which draw most largely from the general College treasury. These are, that of physics and astronomy, and that of chemistry; were either of these to become vacant, the fund from its foundation would not, for many years, be large enough to support a Professor. But in this country, these are among the last professorships, if a distinction should be made, which should remain unfilled. It was beautifully said by John Quincy Adams, at the time when the South American States emerged into independence, that "South America was a new world of matter for a new world of mind." The remark is, and will long be,

applicable to our own country, abounding as it does in physical treasures and resources, which are, as yet, untold, undiscovered, and unsuspected.

The undersigned cannot but be sensible that he has done very imperfect justice to the subject referred to the committee.

The time allowed has proved, as he intimated, when appointed on the committee, far too short for those researches which he should consider as indispensably requisite. But he felt bound to obey the voice of this Board, and to render every service in his power, in fulfilling the important and interesting task confided to the committee. This he has done, and now asks leave to discharge himself, by presenting to this Board such results as he has been able, under all circumstances, to reach.

He has felt it due to this Board, to his able and learned associates on the committee, and to himself, to shew that he has not differed from those associates on slight grounds, nor without careful consideration.

But, while the undersigned cannot feel authorized to pronounce any positive opinion on the question, whether it be practicable to reduce, in any proper way, the expenses of tuition at Cambridge, he is far from denying, that such a reduction, if practicable, is highly desirable, if it can be effected without injury to the great cause of education, or injustice to the rightful claims of any teacher, and he has subjoined a Resolve, recommending the subject to the consideration of the corporation. The high character of all the individuals composing that body, and their well known fidelity and assiduity in discharging their official duties, form a sufficient warrant, that this consideration will be attentively given, and that the result will be satifactory to this Board and to the community.

On Monday morning, February 24, after the preceding remarks were written, the undersigned received a Report in extenso, drawn up by the chairman. He has examined it as fully as the time has admitted, and now submits a few additional observations on some portions of the same.

1. It is distinctly stated that a reduction of the expenses of tuition, at the University, is practicable, expedient, and required by a just regard to the public good. To this the undersigned merely repeats the objection already made, that, if practicable, it is not yet proved to be so, and cannot be, without more information than is now possessed by any of the committee.

2. Much of the Report is taken up in a comparison of the amount of College expenses at Harvard, with the like amount at another distinguished Institution. The reasoning on these facts would be more satisfactory, if a like comparison were instituted between the course of education at the two Seminaries. It might appear from both comparisons taken together, that where the cost was the greater, the equivalent to be received was so, likewise. Still the undersigned repeats, that he should be heartily gratified by any reduction of the cost of education at Harvard, which might be effected without a like reduction of the amount of useful knowledge taught there, and without injustice to any officer.

3. It is recommended, that the salaries of instructors, should depend, in part, on the whole number of undergraduates. This varies, somewhat, from a proposition already noticed by the undersigned. He observes, equally, of both propositions, that the plan proposed exists, as far as he knows, at no other College in New England, and that he thinks the expediency of introducing it, a question requiring further investigation, and one which could best be

determined, in the first instance, at least, by the Corporation.

4. It is intimated, that some funds, belonging to the Theological School, might be reclaimed, for the benefit of the under-graduates. The undersigned has good reason to believe, from information derived from members of the Corporation, that this intimation is erroneous. On this head, the President has stated to the undersigned, "that the Theological School, as such, receives from the College treasury, not one farthing, Its incomes are derived from the specific funds granted by their specific donors." The two Professors of Theology receive $200 each, annually, for performing the duties of Chaplains, as correctly stated by the chairman, in another part of the Report.

The Report concludes with three resolves:

That the Overseers of Harvard College do not consent that a person, fitted for an advanced standing, should be charged at the rate of $45 per annum, according to the standing to which he is admitted. The undersigned has already expressed his opinion on the abolition of the charge in question. But he is not a little surprised at the terms of the above resolve. It is certainly full late for the Overseers to *withhold their consent* to a rule which has existed for a long time, and of which the validity is not questioned.

The second resolve is, that the Overseers of Harvard College do not consent, that the general funds of the College should be impaired, or an expensive building be undertaken, without the most express advice of the Overseers. To this resolve the undersigned objects its absolute illegality. The charter, and the practice of nearly two centuries under it, give to the corporation the exclusive

control of the finances and revenues of the college, as already stated. The undersigned cannot believe that either this resolve, or the last to be mentioned, will receive the high legal sanction of his friend and associate on the committee from the district of Worcester.

The next resolve is, that the tuition fees of Harvard College should be reduced from seventy-five dollars per annum to thirty-three dollars per annum. This certainly assumes the whole of the questions before the committee. It would have been gratifying had some mode been suggested by which such a large reduction would be practicable. The undersigned firmly believes it to be impossible, consistently with the interests of education, or with that regard to existing rights, which he is happy in finding emphatically asserted, in more than one passage of the chairman's report.

The last resolve is, that a joint committee of three from the Overseers, and two from the corporation, be appointed to mature a plan for reduction at the earliest practicable period. The undersiged has already expressed an opinion of the illegality and irregularity of such a proceeding, and on referring to his remarks can find nothing to add or to qualify.

In place of the above resolves, the undersigned respectfully suggests the passage of the following:

Resolved, That it be recommended to the corporation, that no fee be hereafter paid for admission to an advanced standing.

Resolved, That it is highly desirable that the cost of education at the University should be reduced, so far as the same can be effected without diminishing the amount of useful instruction, or injury to the rightful claims of in-

structors, and that this subject be recommended to the serious consideration of the corporation.

Resolved, That it be recommended to the corporation to consider the expediency of providing, that salaries hereafter established shall depend partly on the number of under-graduates.

Respectfully submitted,

JOHN C. GRAY.

Senate Chamber, Feb. 25, 1845.

Note.—It will be perceived that the above remarks apply in part to the positions taken in committee, February 12th, and in part to the report submitted to the undersigned the day before this meeting.

TABLE OF PROFESSORS,

Who derive their Salaries partly from the income of their respective foundations, and partly from the General Treasury of the College, according to the Treasurer's last report. The Hollis Professorship of Divinity is vacant.

N. B. Income on Foundations is estimated at five per cent. on the principal.

No.	Professorships.	Names of Professors.	From Foundation.	From College Treasury.	Whole Salary.
1	Alford, - -	Professor Walker,	$1,321 36	$678 64	$2,000
2	Boylston, -	" Channing,	1,340 40	459 60	1,800
3	Eliot, - -	" Felton,	1,029 50	770 50	1,800
4	Erving, - -	" Webster,	166 67	1,033 33	1,200
5	Perkins, -	" Pierce,	1,000 00	1,000 00	2,000
6	Smith, - -	" Longfellow,	1,101 89	398 11	1,500
8	Hollis, - -	" Lovering,	178 44	1,321 56	1,500
9	Drs. Ware and Warren, (both,)		833 85	166 15	1,000
			6,972 11	5,827 89	12,800
	Deducting income of Permanent Tutors' Fund, - - - -		- -	1,276 40	
				4,551 49	

[FROM THE STEWARD.]

Term Bill (including charges of BOTH *terms,) for the year* 1843–44.

Instruction, Library, and Lecture Rooms, ...	$75 00
Rent and care of Room, ...	15 00
Special Repairs, by general average; average for 4 years last past,	2 54
Class Books, average of the year, ...	11 20
Wood, or other fuel, average of the year, ...	14 27
Board, in Commons, 40 weeks, at $1 75 or $2 25 per week; average $2 00 per week, ...	80 00
Average bill of the whole year, ...	198 01
Washing and Lights, ...	12 00
	$210 01

REPORT

ON

FILLING UP VACANCIES IN THE CLERICAL PART OF THE PERMANENT BOARD OF OVERSEERS

OF

HARVARD COLLEGE.

REPORT.

The Committee,* to whom was referred Mr. Bancroft's Second Resolution, viz. : *That in filling up the vacancies in the clerical part of the permanent Board, care should be taken to avoid giving a majority to any one religious denomination*, have attended to that service, and beg leave to Report :

The Committee suitably appreciate the motives of Mr. Bancroft, in the report, presented by him, as a member of the Visiting Committee, at a late meeting of this Board. His desire seems to have been, to endeavor, if possible, to remove the prejudices that have been entertained, in some quarters, against our venerable University, more particularly on account of the heavy expenses attending a collegiate course, and the sectarian character that has been manifested in the election of the clerical part of the Board of Overseers.

These causes, in his opinion, have tended to weaken the confidence of the community in this Institution, and, of course, to lessen the number of those who are disposed to avail themselves of its superior advantages.

The resolution growing out of the last of these objections, has been referred to your Committee, and they have

* Consisting of Rev. Dr. Codman, Rev. Dr. Lowell, and Hon. Levi Lincoln.

endeavored to give to it that consideration and reflection which its importance eminently demands.

They are impressed with the delicacy of the subject, and with the difficulties attending it; and they flatter themselves that they shall most acceptably discharge their duty, by a simple statement of *facts*, relating to the constitution of the *clerical* part of the permanent Board, and the changes it has undergone, refraining from any remarks of their own on the wisdom and expediency of the course which has been pursued.

In 1642, the Board of Overseers of Harvard College was thus established, by an Act of a General Court, held at Boston, the same year.

"Whereas, through the good hand of our God upon us, there is a College founded in Cambridge, in the County of Middlesex, called Harvard College, for the encouragement whereof, this Court has given the sum of four hundred pounds, and also the revenue of the ferry between Charlestown and Boston, and that the well ordering and management of the said College is of great concernment,—it is, therefore, ordered by this Court, and the authority thereof, that the Governor and Deputy Governor, for the time being, and all the magistrates of this jurisdiction, *together with the teaching elders of the six next adjoining towns, viz., Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester*, and the President of said College, for the time being, shall, from time to time, have full power and authority to make and establish all such orders, statutes, and constitutions, as they shall see necessary," &c., &c.

This constitution of the Board, so far as the clerical part of it was concerned, continued, without change or alteration, for about 170 years, the *teaching elders* being un-

derstood to refer to the Congregational ministers of the six towns; though, as early as the year 1727, a claim was preferred by the clergy of the Episcopal church, to seats in the Board, which occasioned much controversy, but which was decided, after several petitions and memorials to the Legislature, against them.

In the year 1810, an important change was attempted in the constitution of the Board. An Act was passed by the General Court, in March, of that year, constituting "the Governor, Lieutenant Governor, Council, the President of the Senate, and Speaker of the House of Representatives, and the President of the College for the time being, with *fifteen ministers of Congregational churches*, and fifteen laymen, all inhabitants of the State, to be the Board of Overseers of Harvard College."

This Act, though subsequently repealed, was renewed and confirmed in 1814, with some modification, which, as it did not affect the clerical part of the Board, it is unnecessary to notice.

The whole number of clergymen, at that time, connected with the Board, was twenty. *Three* in Cambridge, and Brighton, (formerly a part of Cambridge,) *one* in Watertown, *one* in Charlestown, *ten* in Boston, *three* in Roxbury, and *two* in Dorchester.

Provision was made, in the new constitution of the Board, for the continuance of the ministers, who were connected with the six adjoining towns, during their respective pastorates—the vacancies, as they occurred, were to be filled by elections from the Congregational ministry at large. Of the clerical part of the Board under the old constitution, but *two* remain, and they happen to be on the present Committee. The rest have all been admitted, by election, to fill the vacancies that have occurred in the Board.

Between the years 1810 and 1843, while elections were confined to the Congregational denomination, fifteen clergymen have been elected, *fourteen* from that part of the denomination known as *Unitarian*. Although the nomination lists have never been without other candidates, there has been but *one* instance, during a period of upwards of *thirty years*, of a selection being made from the orthodox part of the Congregational denomination.

In 1843, an act, which had been passed by the Legislature in some previous year, received the assent and concurrence of this Board, by which the privilege of admission to the clerical part of the Board was extended to other religious denominations;—since which, *four* elections have taken place—*two* Orthodox Congregationalists, *one* Universalist, and *one* Unitarian.

The Committee state these facts, as they are intimately connected with the subject of Mr. Bancroft's resolution, *without comment*, and with the hope that they may have *their due influence on the future elections of the clerical part of the Board.*

With regard to the proposition contained in the resolution of Mr. Bancroft, your Committee perceive many serious and important difficulties.

If it be desirable that all religious denominations, in the largest sense of the term, should be *equally represented* in the clerical part of the Board, the inquiry first presents itself—in what manner can this be effected?

The resolution declares, that "care should be taken" to this end, and points out the mode in which this care should be exercised, to wit, by "avoiding giving a majority to any one religious denomination."

The proposition, to have effect, must be a rule of action to those, who have the power of making elections to the

Board. It is not contemplated, we presume, by the mover of the resolution, to adopt a principle of future *disqualification* of any denomination, now represented in the Board, until an equal number of all other denominations should be placed there; for, if so, under no probable circumstances could a Congregationalist, whether Orthodox or Unitarian, be again eligible for a generation to come.

The founders and early friends of the College deemed it wise to secure the supervision of the institution to the clergy of the Congregational order *only*, and it surely would be a far wider departure from the spirit of their counsels than has ever been contemplated by any reformers of their statutes, so to enact, as that in opening the door to the admissibility of other denominations, it should, at any time, be barred against the election of the most gifted and devoted of the friends of the College among the Congregational clergy.

Besides, would it not be quite as sectarian to declare that no Orthodox or Unitarian Congregationalist should be again eligible to the Board, until all other sects were represented in like proportion, as to permit vacancies to be supplied, as they shall occur, by the free exercise of the judgment and preference of the electors, without any such reference?

In point of fact, it may well be doubted whether the proposition contained in the resolution is practicable. "Care should be taken to avoid giving a majority to any one religious denomination." What constitutes a religious denomination?

In these days of division in religious opinion and the multiplication of religious sects, it is doubtful whether the fifteen clerical places on the Board would be sufficient to accommodate the variety of professing Christians who may lay claim to a distinctive denomination.

The adoption of the rule, unquestionably, if it could be enforced in practice, would, at best, but drive the Board, in the election to vacancies, to vote for candidates in regard to their *denomination*, rather than to their qualifications and interest in the College, and might thus *exclude* those who would have the greatest sympathy with the institution, and, not improbably, the best disposition and the highest means to promote its prosperity.

But again, is it competent to the Board to adopt such a resolution as a positive rule, without otherwise modifying and changing the statutes of the University?

The constitution of the Board, as has been shown, has been repeatedly changed, but not in the manner proposed by the resolution.

The powers of the government of the State have always been exercised to such a result—and the consent or acquiescence of the corporation has been *claimed* to give it effect.

The resolution, indeed, can have no further operation than an expression of opinion—an *admonition*, as it were, to the Board in filling certain vacancies to take heed to a desirable end. It does not declare that the votes should be controlled against the will and preference of the voters; nor, that they should be rejected, if given against the spirit of the caution. To this end it would be necessary to resort to legislation, and to an amendment of the statutes, and this would again present the practical question of effect and expediency.

The Committee can see no occasion for any change in the powers of the Board, nor any propriety in a direction in this particular to their exercise.

It is enough to satisfy the utmost spirit of liberality that there is at this time no exclusiveness and sectarianism

in the rule of action; that the clergy of *every* and *whatever* denomination are equally eligible, and that, through the peculiar constitution of the Board, men of *every* Christian persuasion are alike qualified electors. Of the eighty-three members of the Board, *fifty-two*—a large majority—are annually elected by the people of the Commonwealth. If the College be "the school of the State," the people of the State are its official overseers. From the great preponderance of numbers and influence in that part of the Board which is composed of the civil departments of the government, it must ever partake of a popular character. If the people are not sectarian, neither can the character of the Board be sectarian; and whatever may be the sentiments of *individual* members, the acts and measures of the *body* must be catholic and liberal. Is there a single mind that would now shackle itself with an injunction against the exercise of its own discretion? or could the Board of Overseers, as a body, be persuaded to an interdict, which should restrain their own powers in the election of a member, whom their enlightened judgment should best approve? If this liberty is to be denied, it will be necessary to go behind the Overseers to the *people* themselves, and provide for the return to the Senate and the election to the Council of such men only, as, in their capacity of Overseers, will, from time to time, represent that religious denomination whose turn it may be to supply any vacancy which may happen at the Board.

Such are some of the difficulties and objections to legislating on the subject of Mr. Bancroft's resolution, that have occurred to the minds of the Committee.

While they are impressed with the consideration that *a due regard should be paid to the religious opinions and preferences* of those whose interests are represented in

this Board, by a wise and liberal exercise of the right of suffrage, they are of the opinion, that *it is unnecessary and inexpedient to adopt any rule or regulation as to the* PRECISE MANNER *in which this right should be exercised.* And they ask to be discharged from the further consideration of the subject.

All which is respectfully submitted.

JOHN CODMAN, *Chairman.*

Boston, Feb. 25, 1845.

SPEECH

OF

JOSIAH QUINCY,

PRESIDENT OF HARVARD UNIVERSITY,

BEFORE THE

BOARD OF OVERSEERS OF THAT INSTITUTION,

FEBRUARY 25, 1845,

ON

THE MINORITY REPORT

OF THE

COMMITTEE OF VISITATION,

PRESENTED TO THAT BOARD BY GEORGE BANCROFT, ESQ.,

FEBRUARY 6, 1845.

SECOND EDITION.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

1845.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.

PREFACE.

The subjoined Speech was made under circumstances which I deem it proper briefly to explain. It is now published, in order that the views I entertain with regard to the several topics touched upon in it may be known to the public, and particularly to the friends of Harvard College.

In the year 1843, George Bancroft, Esq., a politician well known to the people of this Commonwealth, obtained a seat at the Board of Overseers of Harvard College, through the temporary ascendency of the political party to which he belongs, with the aid, as was stated at the time, of Calvinistic votes. In that and the succeeding year, three Calvinists, two clergymen and one layman, were elected into the Board, chiefly, as was also then stated, by the union of the same influences.

On the 6th of February last, Mr. Bancroft made an attack upon Harvard College, in the form of a Minority Report from the Committee of Visitation, containing statements which I could not but deem false, and insinuations relative to the condition of the seminary and the labors of its Professors, which I knew to be unjust.

In this Report, he animadverted, in terms of reprobation, on *the sectarian character of Harvard College*. The course of his remarks on this subject was forthwith followed and supported by two of the Calvinistic members who had obtained their seats at the Board as above mentioned ; the one of them giving the weight of his political, and the other the weight of his religious, character to Mr. Bancroft's views. It became apparent, after this concurrence, that, unless openly and authoritatively counteracted, Mr. Bancroft's Minority Report

would go forth to the world with the influence of this combined sanction, and be received as truth. Hence the duty of exposing what I considered false and fallacious in it seemed to be devolved upon me, in my then official station, by a necessity which I could not evade. The subjoined Speech was the result.

Being at that time President of Harvard University, and being led in the course of my argument to refer to political and religious relations then existing in the Board of Overseers, I was unavoidably restrained and embarrassed by my official position. This state of things is now changed. In accordance with a determination, long since made, to relinquish, after the present academic year, my connection with Harvard College, and my personal arrangements for the removal of my residence to Boston having long ago been completed, I have resigned the office of President of the College, and now retain only temporarily the superintendence of the institution, at the special request of the Corporation.

I am now, therefore, and intend henceforth to be, a private citizen. I have thought it proper, however, to keep back this publication, until my resignation was accepted, and my real position understood by the public ; in order that it should be known by all to be made by me *as a private citizen, on my sole responsibility*, independently of official duties or connections, and prepared without the suggestion, consultation, or knowledge of any member of any body, party, or sect, literary, political, or religious. In conformity with the liberty afforded me by this new position in which I am placed, I have not hesitated to give to the several topics of the subjoined Speech, having a theological bearing, a development and directness of application which my present relations to society justify and enjoin.

As in the course of the subjoined remarks my sense of duty has compelled me to speak without reserve of Calvinism and its influences, so far as they are brought to bear upon Harvard College, it may possibly be supposed that they have been dictated by hostility to that creed or its professors. Nothing can be farther from my thought or design. Where

Calvinism acts in its natural sphere, and, while defending itself, treats with Christian charity the opinions of those who differ, both that faith and those who maintain it have my honor and respect ; and I would say and do nothing to diminish either its power or that of those who profess its doctrines.

It is not Calvinism, when directed to Christian ends and using Christian means, that I deprecate. It is Calvinism when it seeks worldly power by worldly means ; — it is Calvinism when it embarrasses by misrepresentations a great literary institution, for the purpose of getting that institution under its control ; — it is Calvinism when it strikes hands with politics, willing to take the chance of putting the institution into the hands of the politician, for the sake of the chance of getting it into its own ; — it is Calvinism thus operating and thus aiming, that I deem it my duty to endeavour to make my fellow-citizens understand.

It is the misfortune of Harvard College to have religion and politics combined very intimately with the other influences of its constitution ; and all history shows, that, when thus brought together, and party struggles for power commence, the quality of the religious element is *always debased*, and the quality of the political *never improved*.

By the constitution of the College, its religious influences were made to depend upon those, which, from time to time, might prevail in the town of Boston and its vicinity, and in certain specified Congregational churches there situated. In the course of time liberal religious views predominated in these churches and this vicinity, and about the beginning of the present century the Calvinistic clergy of Boston and its environs found that they had lost the control of the College.

A few of the more ambitious of this clergy were naturally deeply affected by this deprivation of power, and immediately set themselves to persuade the Calvinists in other parts of the Commonwealth, that it was a deadly blow aimed at the Calvinistic faith ; and for a time succeeded in impressing them with the apprehension that Harvard College was specially directing its influence to the undermining of that faith. Time, observation, and acquaintance with facts have, I have

reason to believe, greatly diminished this fear, among Calvinists in general. Honest and unambitious Calvinists in other parts of the Commonwealth begin to understand the cause of this excessive zeal for their sect, put forth by a small party of Boston Calvinists. They are satisfied, that, under the influences which now prevail at Harvard College, its concerns are managed with fairness in respect of other denominations, that no efforts are made for the propagation of any peculiar religious views in the College, that all sects are treated equally well there, and that it is the intention and endeavour to conduct the seminary exclusively as a literary institution. I have reason to believe, from the language of some distinguished Calvinists, and from the altered conduct of others, that their prejudices concerning the religious influences of Harvard College have become greatly softened. The learned and faithful Professors of the Theological Institution at Andover have shown of late years an increased confidence in those who conduct the College, and are, I have reason to think, satisfied that their efforts are not specially directed to propagate their own religious faith, or to undermine that of others. Those Professors, faithful to their own creed, do not think, as I apprehend, that this fidelity requires them to be unjust to the honest belief and fair conduct of others. Young men are no longer warned, at Andover, to avoid Harvard as though it were a seat of infidel propagandists. The learned and liberal Principal of Phillips Academy in that place (Calvinist as I suppose him to be) does not hesitate to encourage young men to come to Harvard. His intercourse with the Professors of Harvard College is that of a gentleman, a scholar, and a Christian. The same acknowledgments are due to the learned and catholic Professors of the Baptist Institution at Newton, whose zeal and fidelity for their own religious views do not prevent them from evincing a confidence in the fairness with which Harvard College is conducted in respect to other sects.

It is the fate of Harvard College, as I have above intimated, to be cast, by the constitution of its Board of Overseers, into the very trough of a politico-theologico sea, which has tossed that seminary in successive periods of its history,

always to its injury, sometimes nearly to its destruction. In consequence of party spirit in politics and party spirit in religion, sometimes in hostility, sometimes in coalition, contesting for power, or endeavouring to oppress political rivals or religious opponents, the prosperity of the College has been mischievously affected, from the days of Dunster to the present, its literary advancement obstructed, and the peace and happiness of its governors and instructors, at different periods, disturbed or destroyed.

No object has been nearer to my heart, or occupied more assiduously my endeavours, while I have been President of Harvard College, than to give no cause for excitement to either of the elements which are included in the constitution of this seminary. Those endeavours have been faithfully and earnestly seconded by every member of the Corporation, and by all the faculties presiding over the Academic, Law, and Divinity Schools ; and I had flattered myself they had been not wholly without success. Perceiving, however, by the events of the last session of the Board of Overseers, that those elements are again in action, and by combination have gained an increased power, I have deemed it important for the interest of the College to have their effects on its prosperity historically presented to its friends and the public. To this end, I made preparation to trace the consequences of this constitution, in which the seeds of political and religious controversy are scattered with no sparing hand, through the various stages of the College history, and to connect the result of my inquiries with this publication. But after proceeding some way in my investigation, I found that the subject belonged to a work of a higher and more permanent character than the present. Such a work it is my intention, as soon as leisure permits, to prepare and offer to the public.

Contrary to all the habits, feelings, and intentions of my life, I have been drawn, as I have already said, by an irresistible sense of duty, to make the subjoined publication, notwithstanding it savors of theological controversy, to which I have ever had not so much a dislike as an utter antipathy. It is not, however, my intention to reply to any animadver-

sions it may produce, whether with name or anonymous, unless some of the facts, on which the views stated in this publication are based, should be authoritatively denied. In such case, I may possibly, however reluctantly, deem it my duty to make some additional statements and remarks.

JOSIAH QUINCY.

Cambridge, May 15, 1845.

SPEECH.

On Tuesday, the 25th of February, 1845, the Board of Overseers being assembled in the Senate-chamber, his Excellency Governor Briggs introduced the business of the meeting by remarking that the report of the minority of the Visiting Committee of the Board of Overseers had been referred to several committees, and he then called upon them for their respective reports.

Upon this, Mr. Quincy (President of Harvard University) rose, and asked for information concerning the position of the subject then before the Board. The state of things, as he understood it, was, that the minority report, although formally parcelled out to several committees, was yet, in fact, now on the table, and was as much the subject of debate as though its parts had not been thus referred.

Mr. Quincy said he made this inquiry because he was under some embarrassment as to his course. He wished to make some remarks on that report, and he earnestly desired to have an opportunity to offer them before the committees had made their several reports. What those reports would be he had no knowledge; and he had no wish or intention to say one word concerning them, whatever they might be. He did wish, however, to animadvert upon the report of the minority of the Visiting Committee, and he

foresaw, that, if he postponed his remarks until the presentation of the reports of the committees to whom it had been referred, his strictures would appear to the public as being aimed at the particular report which might then be under debate, or at the resolution recommended by it, than which nothing would be farther from his intention. His strong wish was to be heard on the original minority report, and on that only, and also before the reports of the other committees should be made.

After some debate, liberty to speak was granted to Mr. Quincy. Commencing with some general expressions of reluctance to address the Board of Overseers, Mr. Quincy proceeded thus: —

Notwithstanding my repugnance to this task, it was impossible for me to permit the report of the minority of the Visiting Committee (Mr. Bancroft's) to pass this Board in silence, without feeling that I should thereby neglect to fulfil an imperious duty, — an official duty. I have not, however, risen for the purpose of opposing investigation into the affairs of the College. Far from repining, I rejoice at it. I believe that the better the actual state of Harvard College is understood, the more satisfied the public will be with it. I complain only of the spirit in which the inquiry has been instituted, and of the manner in which it has been maintained. I do not deprecate the measures taken, or any of their probable results.

My remarks will be directed solely to the report of the minority of the Visiting Committee, which I regard as containing assertions wholly groundless, intimations gratuitous and unfounded, and schemes of improvement impracticable and unjust.

The minority report begins with declaring its utter dissent to the raising of the qualifications for admission to Harvard College, which it considers as a scheme to exclude candidates from country schools and open the seminary somewhat exclusively to those from Boston schools. At first I was at a loss to imagine where the author of this report got the notion that any such project was contemplated; but I now find it was from the report of the chairman of the Visiting Committee. Where this gentleman obtained it I know not. I am certain it was not from any member of the Faculty or of the Corporation, for they have no such intention. I do not mean, that, whenever the state of the preparatory schools will permit, and the Overseers shall deliberately consent, the Corporation and Faculty would not be willing, nay, very desirous, to raise Harvard College somewhat nearer to the standard of the European Universities. But they have now no such plan. No, Sir. The Faculty have too much difficulty and hard work to squeeze into College, at the present standard, some of the candidates who now offer. They have no desire to increase their difficulties in that direction.

The President in his annual report had stated, that, "in point of disposition to good order, gentlemanly demeanour, and assiduity in study, the members of the institution were, it is believed, never more exemplary; leaving, generally speaking, little more, in either respect, to be hoped, or even to be wished." Here was a statement made by the President officially and on his own responsibility. It was either true or false; and it was the duty of the Visiting Committee either to deny it or to let it alone, and suffer the community to believe it or disbelieve it, according as they had or

had not confidence in the statement of the President. What does the author of the minority report? He does neither the one thing nor the other; but in effect says, "Though the President has made this statement, *I as a member of the Visiting Committee am not prepared to confirm it.*" Well, are you prepared to deny it? That is the question. If he was not prepared to deny it, why say any thing about it? Why use a form of expression which carries the force of a secret disbelief, which he is willing to intimate, but dares not assert? Why use a form of expression which is pregnant with an insinuation? I should have honored him, if he had come out manfully with a direct contradiction; but as he has used such a noncommittal insinuation, my feelings are just the reverse.

In preparing his annual report, particularly the short, general statement with which it is introduced, the President is always deeply sensible that he acts under great responsibility; and never admits any thing, in the nature of assertion, which he does not consider himself perfectly able and ready to maintain, in case scrutiny should be instituted.

The present year, when that duty was to be performed, he examined every record of merit, every book of discipline, and made all the inquiries necessary to enable him to attain an exact comprehension of the state of the College. He found, by the concurrent testimony of the professors and tutors, and of the members of the Parietal Board, that the state of the College had been now, *for eighteen months*, highly satisfactory; that few or none of those annoyances had occurred to which the officers of all Colleges are subject, no indications of personal or general discontent,

no noisy assemblages of an exceptionable character; that the prevailing disposition shown by the young men had been orderly, their behaviour towards the tutors and parietal officers gentlemanly. During the sixteen years, in which I have been President of the seminary, I had never been able to present Harvard College in a state, as I thought, more gratifying and unexceptionable; and I made a draft of the introductory report in conformity with that opinion. According to my custom, I read it to the whole Faculty of the College. When the paragraph was read, which the author of the minority report (Mr. Bancroft) has informed the public he "is not prepared to confirm," one of the Faculty said to me, "*That language is strong.*" I replied, "*It is so; but is it not true?*" *He answered that it was.* I put the same question to every other member of the Faculty; and they gave me the same answer. "Then," I replied, "I will utter it. For, in my opinion, it is as much a duty, and is as useful, to acknowledge and be just to the virtues, good conduct, and gentlemanly demeanour of the young men under our care, as it is to be severe on their follies, and to give publicity to their delinquencies."

Such is the history of a paragraph which the author of the minority report has told the world *he is not prepared to confirm;* and which, notwithstanding his lurking insinuation, I here repeat.

We come now to the great outcry about expenses. That the expenses of the College diminish the number of undergraduates at Harvard is almost a universal opinion and subject of lamentation. On this point three things seem to be taken for granted by every body: —

1st. That the expenses of the College have greatly increased of late, — and that, indeed, very recently.

2d. That they are in their nature very unreasonable.

3d. That, if these College expenses were diminished, the number of undergraduates would be increased proportionably.

Now I am not a believer in either of these opinions ; and although I grant that it may be proper, and probably expedient, to reduce the College expenses, yet I am no believer either in the necessity or in the anticipated result; and, as I think, for very strong reasons.

These "College expenses" (*emphatically so called*) are strictly those charges which the College makes for certain specified services or accommodations, and which are incident, more or less, to all Colleges; and are understood to cover strictly those charges which are peculiarly and exclusively incident to life there. They are called, indifferently, "expenses of instruction," "expenses of tuition," or "College expenses."

As to the first point, that the expenses of the College have greatly increased of late, and that very recently, — I thought it utterly untrue, and was therefore greatly surprised to find the following statement in the minority report (by Mr. Bancroft) :—

"The expenses of tuition have been increased at least *fifty per cent.* beyond what they formerly were, and, for some of the classes, *thirty-three and a third per cent.* beyond what they were when the undersigned was a student."

An assertion made so deliberately, and under circumstances of great responsibility, I began to think must have some color for it, notwithstanding my pre-

vious opinion to the contrary. I thought it, however, worth the trouble to inquire into the accuracy of it, and directed the Steward of the College to prepare a table of the charges at Harvard College to Mr. Bancroft (exclusive of board, text-books, and fuel), for the four Academic years 1813 – 14 to 1816 – 17; also a table of the actual charges to a student for the four Academic years 1840 – 41 to 1843 – 44. The following is the result: —

Mr. Bancroft's annual College charges, strictly so called, amounted, on an average, for the four years 1813 – 14 to 1816 – 17, to .	$ 95.88
The average annual College charges in the College bills for the four years 1840 – 41 to 1843 – 44 was	93.16
Difference	2.72

Making the expenses at Harvard College at the present day just *two dollars and seventy-two cents less per annum* than the expenses at the time Mr. Bancroft was in College.*

There is, however, an element in Mr. Bancroft's quarter-bills, denominated fines and assessments, which now never enters into our quarter-bills, amounting in his four years to $3.24. This, being deducted, would reduce the charges in his College bills to $92.64, and consequently leaves the actual expense at the present day just fifty-two cents more than it was during the time Mr. Bancroft was at College. The former is probably the true principle of difference.

Here Mr. Bancroft called Mr. Quincy to order. He

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* See Appendix, A.

said that the President had put into his hands the documents on which he was commenting, and he had called the President to order because he was deceiving and misleading the Board; that the documents of the President supported entirely the assertion in his (Mr. Bancroft's) report. "I there stated," said he, "that the expenses for tuition were fifty *per cent.*, or thirty-three and a third *per cent.*, higher now in College than they were when I was there; and the documents produced show that the 'instruction fee' when I was in College was either *forty-four* or *fifty-six dollars* a year, and the present College bills show that the fee for instruction is *seventy-five dollars* a year; and that is thirty-three and a third or fifty *per cent.* higher than it was in my time."

Mr. Quincy, in reply:—If that is the ground the gentleman is about to assume, he is welcome to all the converts he can make to his new position. His present ground is *a mere quibble.* His language was, "*The expenses of tuition* have been increased at least fifty *per cent.* beyond what they formerly were, and, for some of the classes, thirty-three and a third *per cent.* beyond what they were when the undersigned was a student." The term "expenses of tuition" is a form of expression equivalent to the term "College expenses." It includes the instruction fee, and, in addition to it, *all the other peculiar charges of College life.* If used, then, only as equivalent to "instruction fee," it was used in an equivocal sense, and was thus, whether intentionally or not, calculated to deceive the public, who certainly have understood it as conveying the idea that *the cost of a College education* has increased since the author of the minority report was

in College. Now, if, while the instruction fee has been increased, the other charges have been diminished in proportion to that increase, the cost of education at Harvard would remain the same as formerly. This is in fact the case. For the documents adduced show that the cost of College education, instead of being higher, is about the same as in Mr. Bancroft's day. Besides, he had no means of comparing the "instruction fee" of his day with that of the present day; because it so happens, that, in the College bills of the present day, that charge is combined with other items, — a bad practice, I admit, and I hope it will be altered, — and no man can tell, unless by guess, what the instruction fee exactly is at Harvard College. I therefore hold the gentleman to the meaning which he certainly conveyed by the term "expenses of tuition," — namely, that *all the College expenses, strictly so called*, are increased, at the present day, beyond what they were when he was in College.

I have already shown that these expenses, so far from being increased fifty *per cent.*, are in fact $2.72 less *per annum* in our day, if you include all the charges in the quarter-bills in Mr. Bancroft's time; and that, if you exclude certain charges, which were made then, and are not made now, the only increase is 52 cents *per annum*, instead of fifty *per cent.*

Not content, however, with this result, I deemed it proper, and thought that perhaps it might be more satisfactory, to compare the aggregate of all the charges in the term-bills when Mr. Bancroft was in College with those at the present day. To this end, I directed the footings of Mr. Bancroft's quarter-bills, during the four years 1813 – 14 to 1816 – 17, to be stated in the form of a table; but as Mr. Ban-

croft was a clergyman's son, and was probably, and properly, economical in his habits, I had a similar table prepared from the quarter-bills of one of his classmates who might have felt himself less restricted in his expenditures. I also directed that the footings of the quarter-bills of some student who had graduated in 1844 should be presented in the same form, taking special care to select some one who had roomed and boarded in commons every term of his College life, and to whom had been charged instruction, rent, special repairs, books, fuel, board, every item which makes part of what constitutes the entire expense of a College education at the present day. Well, Sir, it has been done, and here is the result.

The aggregate of Mr. Bancroft's quarter-bills, during the four years he was in College, amounted to $ 815.39.* The aggregate of the College quarter-bills of a student, selected as I have stated, during the last four Academic years, was $ 783.18; and the difference was an excess of expense, amounting to $ 32.21, in Mr. Bancroft's bills, beyond that of the present day. The other comparison was still more decisive. The individual selected was Mr. Caleb Cushing. The aggregate of his bills was $ 1047.11, showing in this case an excess in the College expenses of $ 263.93 over those of the present day.

I think I have proved, not only that the "College expenses," "tuition expenses," or "expenses of instruction," strictly so called, are materially the same, but that, notwithstanding the difference of the times, the entire aggregate of the expenses at Harvard is, in fact, less, instead of being greater, at the present

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* See Appendix, B.

day, than at the period when Mr. Bancroft was in College. What becomes, then, of those pathetic lamentations for the desertion of Harvard College, and of those piteous tears shed by Mr. Bancroft over "eight counties" of this Commonwealth, that are deprived of the privilege of sending their sons to Harvard College in consequence of the vast increase of College expenses since Mr. Bancroft's time?

But why is Harvard College deserted? I deny the fact. Harvard College is not deserted. It has at this day more undergraduates than at any previous period of its existence, — one period only excepted, when, owing to the state of the times, and the distribution of a large amount of beneficiary money, under the express authority of the legislature, an uncommonly large number were matriculated. "But," the reply is, "the College is comparatively deserted, because it does not increase as other Colleges do. Look at Yale, which has 394 undergraduates, while Harvard has only 254. See also Amherst, Brown, Williams, Dartmouth, — all fast advancing towards the numbers of Harvard." "Why," exclaims Mr. Bancroft, "are there 104 undergraduates from Boston and its suburbs, and only 80 from all the rest of the Commonwealth? Why do eight counties of this Commonwealth send more Senators to the Board of Overseers, than their constituents send sons to Harvard College?"

I answer, — extent of territory, number of inhabitants, number of Senators, neither one nor all of these are proper elements of comparison on this subject. The question is one of proportion of demand and supply. How many inhabitants of Massachusetts wish a high degree of education for their sons? and of these how many are members of Harvard College?

In the five Colleges which from their position and character are entitled to be regarded as competitors of Harvard, — namely, Yale, Brown, Dartmouth, Williams, and Amherst, — there are 271 undergraduates from Massachusetts; namely, 45 in Yale, 44 in Brown, 33 in Dartmouth, 60 in Williams, and 89 in Amherst. The average number of undergraduates from Massachusetts in these Colleges is 54 and a fraction. Harvard has 184, — that is, more than twice as many as Amherst, more than three times the number in Williams, more than four times that in Yale or Brown, five or six times as many as Dartmouth, and more than two thirds as many as all these united. Considering all the circumstances which operate upon the minds of parents in selecting Colleges for their sons, I think Harvard has its full proportion, and its friends have no cause for complaint or distress.

But "why do so many citizens of Massachusetts send their sons elsewhere?"

I answer, there are four strong, efficient, and natural reasons; and not "College expenses," or "tuition expenses," technically so called. 1. Local preferences. 2. Personal preferences. 3. Religious preferences. 4. Those incidental temptations to expense, which are supposed to be greater at Harvard than in other Colleges.

Every one of these causes operates in favor of each of the other Colleges.

Parents love to have their children near home. Hence the inhabitants of those towns in Massachusetts near Providence send their sons to Brown. The same is the case with every other College. It is this preference which sends so many of the sons of Boston and its vicinity to Harvard College; and this with many

parents is quite as strong as their desire to have the advantage of a very high education. Then there are personal preferences, which operate strongly in favor of Brown and Yale. The parents themselves graduated at the one or the other, and men love to have their sons taught where they themselves were educated. Then there are religious preferences. Almost every religious sect also dreads, or affects to dread, what is called Unitarianism, and proclaims to the world that it is the great endeavour at Cambridge to propagate the tenets of that sect; a charge, however, altogether false and unfounded. When to these general reasons is added a common opinion that the style of living, of fitting up rooms, and of dress, is somewhat more expensive than at other Colleges, we have enough reasons to account for the proportion of young men who go elsewhere, and to justify the opinion that it is not College expenses which produce this result. From my own experience, and it has been considerable, *I do not believe that a single individual was ever deterred from coming to Harvard on account of College expenses, technically so called, who had taken pains to inform himself what these expenses were, and what were those at other Colleges.*

The average difference in the cost of an education at Harvard College and at either of the other Colleges mentioned is about $ 40. Now every person, who takes pains to inquire, will find that at almost every other College there are charges, for some item or other, not included in the published statement, but often in the bill; these, in many Colleges, are somewhat high, and parents have complained, as it respects one of them, rather severely. Besides, there exists in connection with Harvard College, in addition

to the usual beneficiary aid of from $30 to $50 annually to needy and meritorious students, another fund, established by a number of friends of the College, from which any worthy student may obtain $40 or $50 annually, *on loan, without interest during the time the student is in College;* and which is enough to cover the whole of this forty-dollar difference. Now, can any man believe, that, with a knowledge of these facts, — and any one who inquires is informed of them, — there ever was an individual deterred from sending his son to Harvard by the mere College expenses? He might be deterred, through considering, or being made to believe, that the temptations to idleness or vice are greater in the vicinity of a city than in the country, — he might be deterred by the idea that the temptations to expense, from style or association, are greater at Harvard than at other Colleges; but that what are termed "tuition expenses," or "College expenses," ever solely deterred any man from sending his son to Harvard College, who had acquainted himself with the subject, I do not believe. In my opinion, it never was the case.

Again, as respects the real necessity for a reduction of the expenses. The total amount of "College expenses," or "tuition expenses," however called, meaning the expenses incident to College life, is, as I have shown, less than $94. Of the 254 undergraduates in Harvard College, about 30 or 40 are beneficiaries, for whose support there already exists a sufficiently liberal provision, as I have just now intimated, and shall presently show more fully. Next, there are about 60 or 70 who would like to have the expenses reduced the proposed 30 or 40 dollars. There then remain about 150, whose parents do

not desire a reduction; who will not thank you for it; who think the expenses of the College little enough; and who are of opinion, that if they can get their sons through such a seminary as Harvard College, with all its noble libraries, its numerous branches of study, and desirable facilities for education, by paying $90 or $100, *per annum*, "College expenses," strictly so called (which is cheaper than Boston parents can get a girl of fifteen educated for a year at one of the private schools in that city), the charge is sufficiently low; they are satisfied. Now I never could see the wisdom of reducing expenses to the sons of such parents, who do not ask it, and would not thank you for it. And I say without hesitation, that they never constitute less than three fifths of every College class.

As respects the beneficiaries, — every undergraduate, who can plead need and merit, can be sure of receiving from $30 to $50, — say an average of $40, — annually, from the College beneficiary fund, — and also of receiving a like sum from a private fund in the hands of trustees, on loan, without interest so long as he continues an undergraduate, on a note taken from himself, though under age, and without the guaranty of his father, — the trustees relying upon the principle of honor, inherent, as they hope and believe, in every one who graduates at Harvard College, that he will repay the same, with the interest which may accrue after the time he graduates, as soon as the income of his profession or industry shall permit. In this hope they have no experience to teach them that they are likely to be generally disappointed.

It appears, then, that every student, who is willing to be considered a beneficiary, and in the opinion of the Faculty is entitled to receive aid, may reason-

ably calculate upon obtaining $80 — on the terms I have stated — towards paying $94, which is the whole amount of "College expenses," technically so called, leaving just $14 to be paid by the parent; — an amount certainly not to be regarded by any one as extravagant, considering the many advantages a student is permitted to enjoy at Harvard College.

Besides the rich, who are indifferent to the expense, and the needy, who are anxious about it, there is a third class, who are so well off in point of property as not to be willing that their sons should be regarded as beneficiaries, and yet not in sufficiently easy circumstances to be able to meet as readily as they could wish all the College expenses. Now to this class *the loan fund, without interest while the applicant remains an undergraduate,* is always open; and from it any undergraduate, who possesses the qualifications of scholarship and good conduct, may calculate upon receiving at least $40, — a sum equal to the average difference of the "College expenses" at Harvard College, and those of other similar institutions; leaving only about $50 out of $94 to be provided for by the parent; — an amount of expense not very oppressive even to this class of parents; particularly as they have the power of taking advantage of the College beneficiary fund, if they choose to apply for it.

I have here been speaking exclusively of the "College expenses," technically so called. All other expenses are subject to the control of each student. Such are board, fuel, light, text-books. They can be obtained nearly, if not quite, as cheap at Harvard as elsewhere, — and as to cheap living, by joining in clubs, the students, if so disposed, can live as economically at Harvard as anywhere. One student assured

me that it cost him only one dollar a week for board; another, that he lived for fifty cents a week.

As to reducing College expenses for the benefit of the rich, or those who are satisfied with the present state of them, I see in the project neither wisdom nor charity. Meritorious students may always calculate upon receiving from the beneficiary fund and the loan fund an amount nearly equal to these "College expenses." To have the power of distributing a somewhat larger amount than at present to undergraduates of this class might be desirable. And in respect of that intermediate class who do not require beneficiary aid, a larger loan fund than is at present possessed is undoubtedly much to be wished, so as to enable the trustees to bestow a sum more nearly approximating the "College expenses," technically so called, than they can at present. An increased loan fund, and a somewhat larger beneficiary fund, are, in my judgment, all that is wanted. Experience has shown, that the supplying of students with loans, without interest during their Collegiate life, on no other security than their own notes, is the form of aid most satisfactory to parents, — and the young men themselves always express great gratification, also, at the opportunity of thus relieving their parents from responsibility and a portion of the expense of their education, by thus assuming it to themselves. Often the first fruits of professional success are devoted by them to restoring to the loan fund the amount they have received from it, with interest from the time of taking their degree; and they feel a just pride in thus contributing to enlarge a fund from which they have derived a benefit which they readily acknowledge.

I am not one of those who desire to see all the youth

of the Commonwealth concentrated at Harvard for an education. I look upon Amherst and Williams with no envious or jealous eye. Both of them cultivate and support, in their respective vicinities, a high and sound standard of College education. Instead of adopting a policy which should deprive them of their proportion of students, in order to give Harvard a great enlargement, I think they both deserve patronage; and when that noble merchant (Amos Lawrence), who is at once a blessing to the city in which he resides and an honor to our common nature, gave, as he lately did, ten thousand dollars for the purpose of raising Williams College from its ashes, I felt scarcely less gratification than if it had been given to Harvard College. If we could draw off all the students both from Williams and Amherst to-morrow, I think it would scarcely be more injurious to these institutions than to the Commonwealth. And as to Harvard, I know not what it would do with the resulting addition to its numbers, considering the great enlargement of its Law and Divinity Schools. It appears to me, the wisest and the only very desirable policy, on the whole matter, is to insure funds adequate to give all the reasonable assistance to every class which requires aid. As to those classes which do not require aid, and do not thank you for giving it, the true policy is to leave expenses as they are.

But the cry everywhere is, "Numbers, — Numbers." "These," every one exclaims, "are the evidence and element of success." All this is very natural in a republic. Under such a form of government, power and superiority are reckoned by the head. No account is taken of the nature of those heads, or of their material.

But the success of a literary institution is to be tested by a very different measure from "numbers." These, to say the least, are very uncertain criteria of success, and for this plain reason: because there are so many causes leading to the selection of a literary institution, and for thronging to it, apart from its fulfilment of its duties in a high degree. The sole criterion of success in relation to such an institution is the quality of the scholars it sends forth into the world. Is it faithful to its trust? Are all admitted equally to its privileges? Does it reject no one who is diligent and virtuous?

Numbers in a literary institution are by no means an unqualified blessing. In this world good and evil are mixed, or placed side by side. Compensation is the law of Providence. Numbers bring not merely honors, reputation, and equivalent income to a literary institution, but something else. They bring increased care, anxiety, labor in instruction and supervision, greater danger of noisy assemblages, more materials for the engendering of idle, dissipated, rude, and ill-regulated habits and manners. Numbers bring also increased expenses, require necessarily more instructors, cause more difficulty in arranging hours for study, more minute division of the labors of instructors, and a less proportion of direct instruction to each individual. All these results are unavoidable.

And yet the author of the minority report, in his desire to obtain "numbers," seriously intimates that the present corps of instructors in Harvard College may be reduced; an intimation which would seem to imply that the number of instructors now in Harvard is unnecessarily great in proportion to its number of students.

In the course of the remarks growing out of the minority report, its author referred to Yale and its numbers in comparison with Harvard. From the example of Yale, then, let us see if there be any such great excess of instructors in Harvard beyond what its number of students require. Setting aside, in respect of both institutions, the instructors in the modern languages, and also the professors of the Law, Medical, and Divinity Schools, except so far as they take part in the instruction of undergraduates, there are employed in Yale, in the offices of instruction, by hearing recitations, or lecturing in the following branches, namely, natural religion, the evidences of Christianity, natural, moral, and intellectual philosophy, constitutional law, rhetoric, logic, history, anatomy, elocution, and chemistry, 12 professors, including the President of the College, 7 tutors, and 3 called either lecturers, assistant lecturers, or instructors, — constituting a body of 22 instructors or lecturers for 394 students. In Harvard, for teaching the same branches, there are employed in like modes of instruction 10 professors and 3 tutors, — a body of 13 instructors for 254 students.* In Yale 18, in Harvard $19\frac{1}{2}$, undergraduates to an instructor.

In Yale, they employ in instruction in the Latin and Greek 3 professors and 5 tutors. In Harvard, they employ only 2 professors and 2 tutors in teaching these languages, and that during the four years of the College course; while in Yale these branches are taught but for three years. In mathematics, there are employed at Yale one professor and one tutor, and in natural philosophy, the same number; while at Harvard only one professor is employed in teaching each branch.

* See Appendix, C.

In what I have said I have not had the most distant intention of instituting a comparison between Harvard and Yale, for the purpose of intimating a preference for one or the other. They are both high, honorable, and well conducted institutions. Between their respective officers there is a perfect harmony and friendly intercourse; nothing either of jealousy or envy. Both perform their respective duties to the public, according to their means and opportunities, faithfully and earnestly. Nor is it intended to suggest, that in Yale there are too many instructors in proportion to the students, or that they do less work than those at Harvard, or that there is any superiority in the one College over the other. Whatever has been here introduced in the nature of a comparison is intended to illustrate the position, that, if the number of students in a literary institution increase, the number of instructors, and of course expenses, increase also; and to show that there is nothing in the example of Yale to justify the suggestion, that the number of instructors in Harvard is unreasonably great in proportion to its number of undergraduates.

On this subject of numbers, there are, as has been stated, 394 undergraduates in Yale, being 140 more than in Harvard. Of those in Yale, 201 come from the Middle, Southern, and Western States. The young men from those quarters of the Union now in Harvard are, in general, as worthy and well disposed as any members of the seminary. Some of them are among our highest scholars, and among the most valued for their example and influence, and bid fair to be an honor to the College and to be distinguished in after life. But young men from those quarters of the Union are often educated in a manner

at variance with the customs and habits of New England. Placed at a distance from parental influence, too often supplied with unlimited command of funds through a mistaken confidence of their friends or relatives, they are exposed to manifold temptations, which, to some temperaments, are wholly irresistible, and in former times they have accordingly proved very troublesome inmates of College. In a few portions of the Union, a dagger or a bowie-knife is said to be deemed an indispensable appendage of a gentleman; and young men who carry such deadly weapons about them are apt to use them on very slight occasions. Hitherto the annals of Harvard have not been sullied by the murder of a professor or tutor. Should, however, such an event ever occur here, I earnestly hope that the laws of Massachusetts may be so framed, adjudged, and executed, that the offender shall not escape through the payment of money, but shall incur the full penalty affixed by the laws of the land to murder and manslaughter; and the lives of professors and tutors enjoy the same protection as those of other members of the community.

As to the insinuation, that the professors at Harvard could do more in the way of instruction than they now do, and their places still be "the most agreeable, most desirable, and least onerous in the country"; I suppose they could, at least some of them. And if you will give them more instruction to do, and *time to do it in*, they are ready, and would thank you. But for this *time* is necessary as well as inclination. There are in Harvard 254 undergraduates, distributed into classes, divisions, sections; from *seven* to *ten* recitations almost daily, in different branches, every undergraduate being made as far as possible to recite three hours

daily; six or eight instructors, each deeply interested in securing to himself his proper proportion of the time, and all anxious so to arrange the hours, that, while the students shall not be harassed by exercises following immediately one upon another, they themselves may be enabled, at the same time, to fulfil the duty they owe to their respective branches, in the most perfect and thorough manner. Now this division and arrangement of time is not an easy matter. On the contrary, it is a most difficult one; and when it is making, it is always a source of a good deal of discussion, carried on at times with some degree of feeling and even warmth. Every year I witness very animated debates on these topics, among the instructors; each one contending for his share — his full share — of time for instruction in his branch. The great contest is, who shall get the best position and the *greatest* number of hours for his work, — not who shall have the *fewest.* I repeat, then, that, if you will find *the time* for any instructor, I will guaranty that he will fully employ it in the work appropriate to his branch. But if you mean to turn honorable and learned professors over to other work, in any other branch than that to which they have devoted their lives, and to teach which they were invited to Harvard College; if you mean to make a mathematical professor teach Greek, or a Greek professor mathematics, — I think there will be some objections; and, I apprehend, not without reasons, to say the least, very plausible.

The intimations plainly given in the minority report, that professors in Harvard College do less than they might, have more tutors in their respective branches than they need, and that, in the way the author of this report has pointed out, they could easily be

made to do more, are unjust and gratuitous. Had such intimations fallen from a stranger to the institution, they would have been comparatively of little importance. A stranger, unacquainted with the difficulty of so arranging the hours of recitation as to give to each branch its due proportion of time and attention, might easily be led into such errors. But the author of the minority report was educated at Harvard College, and has held the office of tutor in it, and must know that an attempt to devolve upon professors the labors now required of tutors, in addition to their own proper duties, would be wholly incompatible with the general arrangement of the recitation hours of the several classes so that the duties of the respective instructors may not interfere, and with that thoroughness of teaching required by the character of the College and the high standard of scholarship at which it aims. He knows those professors, and knows also, that, if such plan were practicable, they would not wait for any third person to suggest it.

I am entitled to speak distinctly of the services of these gentlemen by a long official acquaintance with their virtues, and with their readiness to labor, each in his vocation. I know their duties, and the earnestness, fidelity, and singleness of heart, with which they execute those duties; and I here say, without qualification, that, in my judgment, a more able, faithful, earnest, and assiduous body of instructors, or more willing to spend and be spent in its service, Harvard College never had. And as to their offices being, as the author of the minority report insinuates, "the least onerous in the country," the idea is altogether deceptive. The labors and responsibilities of these gentlemen are not to be estimated, and are very insufficient-

ly indicated, by the hours of exercises stated in the tabular views, which are prepared chiefly for the use of the students, and with no design to represent the amount of the duties and services of the instructors. The hours of recitation are, indeed, in themselves "onerous" enough. The intensity of mental application and the wear of feeling consequent upon the labor of instructing from at least one hundred to one hundred and twenty young men, belonging to different classes, for three or four successive hours, on three or four successive days in a week, is no light work. Then there are every week as many written exercises to be examined and criticized, in the several branches, as there are members of the class; the value of each recitation and exercise to be estimated, a record to be kept of those estimates and of any misconduct, and a return made of them to the Faculty; lessons omitted by students, who have been sick, or absent on leave, to be heard, and in like manner estimated and returned; every moment a liability to be called on by the President, in case of any emergency; one night every week, whether called or not, a meeting to consider the discipline of the College and to examine into its state; and these meetings, when disorders arise in the seminary, sometimes repeated three or four evenings in a week, accompanied with painful and difficult investigations, resulting often in decisions in relation to which the line of duty is not very clear, and terminating sometimes in the general discontent of the students, and not unfrequently in complaints or remonstrances from parents and friends of the individuals subjected to punishment.

When all these particulars are considered, I apprehend it will be found that the duties of the instruc-

tors are in their nature not quite so wholly delectable and desirable, as the author of the minority report, in his zeal to make their offices appear to the public little onerous, has seen fit to represent. Of all methods, that of taking the tabular views of the hours of recitation as the measure of the official labors of the instructors is the most unjust and deceptive. A lawyer spends an hour in arguing a cause. Are his labor and rate of compensation to be estimated by the value of that hour? The laborious days and nights which he has spent in preparing himself to make that argument, — are these to be made no account of? The case is the same with these professors. They have not only labored hard, in time past, to acquire the knowledge they have attained, but, if they are true to the College and themselves, they must labor daily and diligently to preserve and enlarge the knowledge they have acquired. The human mind, in the present age, is striving for advancement with a zeal and activity never before witnessed. New books, new views, new projects are daily put forth in relation to every art and every science. A professor in a University is bound, and has hard work of it, to keep up with the age in this respect. Then he occupies a somewhat conspicuous place in the literary world. He is bound, if possible, to do justice to his position; to throw his contribution into the general stock everywhere forming by men of science. Every height, every distinction he attains, is an honor acquired for the University with which he is connected. Its glory is, in a greater or less degree, identified with his success.

But it appears that this grand scheme of improvement does not stop at the dismissing of tutors and

giving more work to professors. It casts an eye also upon the President, and it contemplates making him an instructor. Certainly, Sir, it is but reasonable, while every other officer is about being made to contribute to this eleëmosynary project, that he also should be called upon for his subscription. Accordingly, Sir, I have had many questions put to me of late concerning the President's office and my management of it; some of them very curious and very particular. And I dare say, as is usual on occasions of this kind, many things are in circulation which never reach my ears. Among other things, I have heard that the President does not attend morning prayers, or, at least, very seldom attends.

Here Mr. Bancroft interrupted Mr. Quincy, exclaiming, — "I never said so."

Mr. Quincy, in reply: — And I never said he did. But I am misinformed, if it has not been said. However, I should as little have thought of saying any thing upon that subject, as I should have of speaking here on the most common and every-day action of life, had not a question of the same general import been put to me, in writing, by a friend, — one of the committee to whom was referred the minority report. Consequently, I conclude the subject has been under inquiry by that committee in some form. My answer was in writing, but I choose to repeat it here. For the manner, in every particular, in which I have conducted in that office, I hold myself responsible to the public, not only in this place, but everywhere and at all times. My answer was, — "I have been President of Harvard Col-

lege *nearly sixteen years*, and I have *never been absent once* from morning prayers during the whole period, — three mornings only excepted, when I was summoned, as a witness, by the Court at Concord, on business of the College."

Another subject of inquiry was, "Whether it was the practice of the President to instruct." To this I deemed it my duty to reply at large. I shall, therefore, here only state generally my view of the interest of the College in that respect. My letter is in the hands of the committee on the minority report, and I suppose will, in some form, come before the public.

Here some conversation occurred between Mr. Bancroft and Mr. Gray; after which, Mr. Gray rose and stated that he had not laid that letter before the committee, because he had written to the President, not under the authority of the committee, but for his own personal information, and that he did not consider the President's answer to have been made under circumstances authorizing him to give it publicity; but that he would now return it to the President and place it at his disposal. Mr. Gray accordingly delivered the letter to Mr. Quincy.

Mr. Quincy then proceeded: — The course of the gentleman (Hon. John C. Gray), in this instance, is in conformity with that high delicacy and propriety which characterizes his whole conduct in life. But although I knew that his letter to me was not written under the authority of the committee, yet my answer to him was made without any injunction or desire of secrecy. On the contrary, I contemplated publicity at the time, as appears from the fact that the

letter contains a postscript, requesting that "*if printed* I might have the correction of the press."

The contents of that letter I have no wish to conceal. I deem the views it presents very important, and I shall take a proper opportunity to place them before the public. From their nature, they necessarily include many details; on which, of course, it is not my intention to enter on this occasion. I shall merely give a brief outline of those views.

The wisdom of past times provided that the office of President in Harvard University should not be connected with instruction; and I have no reason to believe that any President has acted as an instructor for more than a century; certainly, since the American Revolution. It is said that Dr. Kirkland once attempted it. If he did, it was for a very short time, and was wholly confined, as I am told, to a few extemporaneous lectures to one of the classes in the Divinity School.

The President's office embraces the highest class of duties. In its nature, it consists in the superintendence of all the concerns of the University, moral, literary, economical, and fiscal. No man can read a specification of those duties, as set forth in the laws of the College, and for a moment believe that a President can perform them as they ought to be performed, and have time left to prepare lectures, hear recitations, examine themes, or for other exercises appropriate to the office of a College instructor.

I speak, as I wrote, wholly independently of all personal considerations. No man could ask, or reasonably expect, that, at my period of life, I should undertake, for the first time, to fulfil the duties of an instructor. I speak, therefore, independently, for the

interest of the University, and for the benefit of my successor, who, in the course of nature cannot be far off; probably, is very near.

The qualities necessary for an efficient general superintendent (which has been always substantially the nature of the office of President in Harvard University), and the qualities necessary to a highly gifted instructor, are essentially different. The concentration and abstraction of mind, which are required for distinguished success in the latter, are, generally speaking, wholly incompatible with the successful performance, or even patient endurance, of the duties of the former. This I apprehend will be made sufficiently clear, when those duties shall be considered in their details, in all their importance and bearings.

I do not say that the present duties of the office of President may not be so modified and reduced as that the same person may perform, to a sort of general satisfaction, the offices both of superintendent and instructor. But I do say that such a combination of functions is, in my judgment, to be deprecated, and would probably result in a very imperfect performance of both. The correctness of this opinion will, I think, be made manifest on examining into the details of the President's office.

I now come to the consideration of the "fee for advanced standing," which the author of the minority report (Mr. Bancroft) denounces as *extortion*. For myself, Sir, I should be very reluctant to give such a hard name to a principle which has had the sanction and practice of this College ever since its formation, and is, I apprehend, in a greater or less degree, that of every other College in the United States. Such a fee has always been demanded, as both reasonable

and just, in cases where the parent of the applicant is able to pay it; and where he is not, on suitable representation, it has always been remitted. What the exact practice was in very ancient times I cannot state. It is apparent, however, from the College records of the last century, that a fee for advanced standing was then exacted, and on suitable occasions remitted. As an evidence of this, I ask the liberty to read a transcript from those records, relative to one of our most distinguished citizens, which cannot fail to have an interest in itself, independent of the particular purpose for which it is now introduced.

Mr. Quincy here read a vote of the Faculty of Harvard College, relative to the admission of John Quincy Adams to that institution.*

Mr. Quincy proceeded: — It is apparent from this record, that, so long ago as 1786, an admission fee was exacted, and on proper occasions remitted.

The principle which regulates the application or remission of that demand will appear by a vote of the President and Fellows of Harvard College, passed in June, 1839; under which, every applicant for the remission, who has brought himself within the terms of the vote, has never failed to have it granted.† Now this admission fee, thus boldly denounced as "*extortion*," taking into view the liberal principles practically applied to its remission, is, in my opinion, both just and salutary, and founded on sound reasons of public policy; and, as far as the experience of sixteen years in the government of the Univer-

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* See Appendix, D.

† See Appendix, E.

sity has enabled me to judge, is so considered by a very great majority even of those who pay it. It will be found upon examination, that three fourths, if not a greater proportion, of all those from whom this fee has been exacted have been the sons of gentlemen of independent fortunes, dwelling in other States ; and perhaps a few of the same class, in Massachusetts. From various circumstances, arising partly from local distance, partly from natural affection, which leads such men to desire to have their children separated from them as few years as possible, and other causes, — not feeling any restriction on their inclinations from considerations of expense, parents of this class are apt to educate their sons at home, or at schools in their vicinity, and then send them to College, for the benefit of one or two, possibly three years' instruction, and that they may carry into life the name and reputation attached to a degree from a high seminary of learning. Many of them cannot be made to realize the necessity, in a literary point of view, or the advantage, in relation to character and intellectual power, of a thorough drilling during the four years of a College course. Their sons often come partially fitted, even in the branches which are the particular subjects of examination ; and though so well qualified as not to be rejected, yet frequently wanting in those habits and scholastic attainments which a College residence during the entire course is adapted to impart. Now is it right — nay, is it even just to this class of gentlemen — to encourage them in such mistaken practice? Is it wise, as respects the public, to give a bounty upon a half or three-fourths College education?

The people of Massachusetts, by public patronage or private liberality, have founded institutions for

education called Colleges; all established on the principle, that a four years' residence is important, if not essential, to a thorough education; and to this the support of a body of professors and instructors, and a large and expensive apparatus, during that whole period, are indispensable. Gentlemen of independent fortunes in other States contribute nothing to the support of these establishments. Is it reasonable that the sons of these gentlemen should have the privilege of participating equally with citizens of Massachusetts in the honors and advantages accruing from a degree, on paying, as the case may be, one third, one half, or three fourths of the amount, which every such citizen, who avails himself of the whole College course, is obliged to pay? I think not. Yet, even with the exaction of the admission fee, as at present established, this class of gentlemen are enabled to gain admission for their sons into College, at any period of the course, exclusive of the Senior year, by paying one half of the single item of the instruction fee which every citizen of Massachusetts is obliged to pay for regularly educating his son to the same standing; an amount, in my judgment, not more than reasonable; particularly as, during the whole period of my presidency, I have no recollection of any parent of this class, and do not believe there ever was one, who complained of the charge or demurred to its justice.

The light in which this charge has been held up, for the purpose of making it appear odious, as an exaction of payment for instruction which has not been received, is not the true view. It is a charge in the nature of an indemnity to the State which has founded, and to its citizens who for four years have assisted to maintain, an expensive establishment, of which the

people of other States may avail themselves on equal terms with our own people, if they will; but if, from indifference, negligence, or any other cause, they take advantage of only one or two of the last years of the College course, they are required, by payment of the admission fee, to contribute something towards the support of an institution, which has been upheld by others at a great expense, to the point at which they choose to make use of it.

The injustice of this scheme of discontinuing the admission fee may be further illustrated.

The College is established on the principle of providing a corps of professors, tutors, and instructors, *suited to a course of four years' residence.* Now, suppose the discontinuance of this charge for advanced standing should induce parents generally to adopt the practice of delaying to enter their sons until the second or third year; is it not plain that the establishment for a four years' course could not be maintained without greatly increasing the price of tuition? in other words, that the College, in such case, could not afford the same advantages of education as at present, at any thing like the present rate of charge? Now, why should a few favored ones, who have no claim for eleëmosynary aid, be admitted to the privilege (if it be a privilege) of a one, two, or three years' course, on terms such as could not possibly be afforded to all? Is it not clear that a scheme contemplating a practice of this sort must necessarily work gross injustice to the community at large?

Again, — those who enter at the middle of the course, without payment of the fee for advanced standing, must do it at the cost either of the College, or of the students who take the full course. Should all

come in at the beginning of the Freshman year, and continue through the four years, the income of the College would obviously be greater, and the price of tuition might consequently *pro tanto* be reduced. Is it not, then, clear, that so much as the sons of wealthy men inhabiting other States would gain by the discontinuance of the admission fee, by just the same amount must our own citizens be burdened, or the College funds diminished?

How incongruous, also, is it with one breath to contend for a diminution of the cost of instruction, and with the next to propose the discontinuance of a reasonable fee, the direct tendency of which would be either to curtail the College course, or to increase the general cost of instruction!

One topic remains, and it is the last on which it is my duty to animadvert. It is a topic I would willingly avoid; but it is necessary that it should be treated with some thoroughness, in order to that completeness of reply to the author of the minority report, which I engaged to attempt.

The author of that report (Mr. Bancroft), after lamenting that so great a proportion of the students should be from Boston and its vicinity, and a few favored places; after intimating his deep affliction at "the disproportion between the magnificent endowments of Cambridge, and the comparatively small number who derive a benefit from them"; after sighing over the towns of the Commonwealth, at a distance from Boston, that send their sons elsewhere than to Harvard, which he calls "the child of the Commonwealth"; after deprecating all party control, political or religious, — proceeds to animadvert in terms of reprobation on *its character for sectarianism*, mean-

ing thereby unquestionably its *Unitarianism.* Now this, coming from the author of the minority report, is very curious, and, taken in connection with what immediately ensued, is also somewhat symptomatic. The report, having been read by its author to the Board of Overseers, was soon after followed up by a formal order from a lay Calvinistic member of the Board (Mr. Walley), having for its object the separation of the Divinity School from the College, and thus making this latter what he called "a State literary institution, free from all denominational bias"; he, too, like the author of the minority report, being desirous to relieve the College from all suspicion of *sectarianism.* Putting these circumstances together, I could not fail to perceive that there was a harmony and happy coincidence in language and action between those political partisans with whom the author of the minority report is associated, and those religious partisans with whom the author of the order for upsetting the Divinity School is associated. Now, Sir, I should coöperate most cordially in any project of union and brotherly love between what are usually observed to be very antagonistic elements, did I not plainly see that their successful concert, in the present instance, would result, and did I not conscientiously believe that the main design of one of the parties was that it should result, not in getting what they call "sectarianism" out of the College, but *in getting one species of sectarianism out, and another species of sectarianism in.* Accordingly I deem it my duty here to speak directly and plainly of the *sectarianism of Unitarianism, as it actually exists in Harvard College,* and as it has existed there ever since I was appointed President.

In the first place, I ought to observe that the

Unitarianism of Harvard College is spoken of and preached against by Calvinistic clergymen and missionaries, in the Middle, Southern, and Western States, and even in the interior of Massachusetts, in language very different from that in which it is spoken of and preached against by clergymen of that faith in Boston and its vicinity; and for this plain reason, that no clergyman in the vicinity of Harvard College could use such language as that often adopted elsewhere, without being justly liable, in the opinion of every auditor knowing the facts, to an epithet which no gentleman ought to bear, and much less a clergyman. I have full evidence upon this point in the often repeated declarations of young men coming from other quarters of the Union, who have expressed to me their utter astonishment at what they had heard before they came to Harvard College, and their gratification at what they had witnessed and experienced there, in relation to its Unitarian designs and influences.

In those States, Harvard College is represented as a society combined and laboring for the propagation of Unitarianism; as an association of infidels, without belief in the awful mystery of Christ's incarnation, placing no reliance on his propitiatory death, and deriving no assurance of a future state from his glorious resurrection and ascension; denying his divine mission, not acknowledging him either as Mediator or Redeemer, but resting all their hopes of a future life and happiness on their own merits; "not mentioning Christ in their prayers," and "openly denying the Lord who bought them." The funds of the seminary are there asserted to be devoted, all its influences directed, to making proselytes to the Unitarian faith; its honors, its beneficiary donations, are

said to be distributed on that principle and for that object. Parents, who are found contemplating sending their sons to Harvard, are beset by the Calvinistic preacher or missionary in their neighbourhood, and entreated not to jeopardize their children's hopes, both as respects the present and the future life, by subjecting them to the temptations and dangers to which an education at Harvard College would inevitably expose both their bodies and souls. Every parental interest and affection is assailed to shape the judgment and influence the will in favor of other institutions.

Now, although these homilies partake strongly of the nature of "pious frauds," I am not disposed to charge these preachers and missionaries with circulating what they know to be falsehoods. They go forth after being educated under strong prejudices. They preach and lecture under great temptations; to audiences who take all they say upon trust, and who often have no means of knowing the truth in respect to their assertions; and they frequently know no better themselves. They probably preach according to their belief, and as they deem most advantageous for the influence of the Calvinistic sect.

There is no question that systematic calumnies like these, circulated very openly and boldly, as I am informed, in the Middle, Southern, and Western States, have a powerful influence in turning young men from Harvard to other Colleges; and that they are the main cause of the diminished influx of students from those States, and from foreign countries, into Harvard, and of the comparative increase of their numbers in other Colleges. In Yale, Brown, Dartmouth, Williams, Amherst, and Harvard, there are *four hun-*

dred and fifty students derived from these sources; of whom Yale has 201, the other four Colleges 146, and Harvard only 103. That such are the effects of representations like those above stated, assiduously made, circulated, and believed in those States, is notorious; and that these representations are utterly false is, in this vicinity, equally notorious.

It is now more than sixteen years since I accepted the office of President of Harvard College, and I here openly and unequivocally declare, that, so far from the influence of Harvard College being devoted to the propagation of Unitarianism, or the labors of its teachers being directed to this object, this has never, so far as I have seen, known, or believed, been made the chief or any special object of their thoughts or labors at all. For the purpose of avoiding, as much as possible, the communication of any peculiarities of religious opinion to the students, writings free from such an objection by the universal consent of all classes of Christians, such as "Paley's Evidences," and "Butler's Analogy," are selected as text-books. Episcopalian, Baptist, Calvinist, Unitarian, and every other denomination of Christians, have ever stood before the Corporation and Faculty in the same equal light, been treated with the same deference and respect, and have received an equal share of the College honors and beneficiary funds. Knowing the calumnies which were circulated on this subject at a distance from the College, every measure to give content to the members of other sects, and to deprive Calvinistic leaders in Boston and its vicinity of the power of misrepresenting the nature of the influence exerted by the College, has been adopted. Every student of full age is permitted to worship on the Sabbath with whatever sect

he pleases. Every student under age is permitted to worship on the Sabbath with whatever sect his parent or guardian pleases. So strictly has this principle been carried into effect in relation to students under age, that, when, as in some instances has been the case, applications have been made by them for liberty to worship at the College chapel, they have been systematically denied, unless they produced a written request to that effect from their parent or guardian. If in any single instance the contrary has happened, — of which, however, I have no knowledge and no belief, — it was the result of accident or inadvertence, and not of any plan or design. The only exception is in the case of special services in the chapel on the occasion of the death of a student, when all who desire to attend are permitted to do so.

It would be easy to adduce instances, every term, of the liberal spirit exercised at Harvard in all cases touching religious sentiment. I shall state only one, and that of recent occurrence, illustrative of the nature of that spirit. There are in the College four monitors, one for each class, to note absences at Sabbath and daily chapel-services. A small pecuniary compensation is attached to the monitorships, which renders them objects of desire to students whose circumstances are straitened. At the beginning of the present Academic year, there were eight or ten applicants for these offices. Four were selected, who were deemed best qualified for them. Two of the young men thus selected, on being informed of their appointment, after expressing their thanks, observed that they did not know how they could perform the duties of the office on the Sabbath, as they belonged to a different persuasion and worshipped elsewhere. They were

immediately told that this should make no difference; if they would find a classmate to take their place on the Sabbath, whom the Faculty should approve, his substitution would be allowed. And accordingly they have been permitted to enjoy the advantage of the monitorships, and at the same time the benefit of the religious instructions which they prefer.

What I have said of the imputations of sectarian influence, as respects the Corporation, the Faculty, or any of the instructors, applies with equal truth, so far as my observation extends, to the Sabbath services of the chapel. Although those who attend these services are for the most part sons of parents who are either inclined to, or have no fear of the influence of, what is called *Unitarian* preaching (those belonging to other denominations in general worshipping elsewhere), yet the officiating clergymen in the chapel very seldom allude, in their discourses, to any of the tenets peculiar to their faith, or to the opinions of those who differ from them; and if on any occasion it occurs, it is done without sharpness or bitterness, and with no special design to make converts. During the whole period of my presidency, I have never — with the exception of a single half day — been absent from the services of the College chapel. I have a right, therefore, if any man has, to speak with confidence of the mode in which those who preach in that chapel conduct the Sabbath services; and the result of my observation is this, that they scrupulously endeavour to inculcate gospel truths in the very words of the sacred writings, — believing, as I suppose, that man's inventions can add no force to the language of inspiration. They avoid controversy, and select topics adapted to make the temper meek and the life holy.

They reason, after the example of Paul, "of righteousness, temperance, and judgment to come." They preach of Christ as the Son of God, sent by him to die for us and be a propitiation for our sins; — that he was exalted by God to be for men a Prince and Saviour, and was by him ordained judge of the quick and the dead. And in respect of the peculiar opinions from which the sect has obtained its name, they do not indeed preach, because they cannot find in the Scriptures, and therefore do not believe, that *the Son who was sent was the very God who sent him.* But although they cannot preach that doctrine, they seldom refer to it, and never subject those who do believe in it either to censure or contempt. Yet these are the men whom Calvinistic missionaries represent as preaching "nothing but natural religion," and calumniate in terms which are worthy to be applied only to deists and infidels. I owe this acknowledgment to the clergymen who officiate in the College chapel, although I do not recognize myself as of the Unitarian sect, or of any sect*; believing that I can find more truth, and a more heavenly gospel, in the word of God itself, than in the teachings of any sect man ever devised.

We now come to the grand plan of excluding sectarianism and Unitarianism from the College, by

* Lest this should be regarded by any one as adopted to serve an occasion, I deem it proper to show that this is not a new position which I assume. In a letter written by the Hon. Francis C. Gray to the Hon. Levi Lincoln, then governor of the Commonwealth of Massachusetts, in the year 1831, explaining the nature of the sectarianism of Harvard College, is the following statement of the religious position which I then asserted and maintained: — "The President I consider orthodox according to Hollis, and who does not allow himself to be called either a Unitarian or a Trinitarian, or to be designated by any party name." — See Mr. Gray's Letter. Second Edition. 1831. p. 45.

separating from it the Divinity School, and also by putting an end to the preaching on the Sabbath, in the chapel, of the professors connected with that School. In respect of the last part of this project, I deem it unobjectionable; and if the laws of the College should be so modified as to permit all undergraduates to attend such public worship on the Sabbath, as their parents or guardians may elect, either in Cambridge, Boston, or any adjoining town, giving evidence of regular attendance on such worship, as the sons of parents residing in this vicinity now do, — I apprehend the plan is feasible, and, by closing one source of misrepresentation, may perhaps be useful.

But in respect of separating the Divinity School from the College, and devesting the Corporation of the funds which have been intrusted to their care and management, there are not only legal difficulties, which need not here be discussed, but others of a practical nature, which it may be useful to consider.

Let us suppose, Sir, that all legal objections are surmounted, that the proposed separation is effected, and that Divinity Hall, with all its bricks, granite, and foundations, like the chapel of "our Lady of Loretto," is transported through the air bodily to Pittsfield, Northampton, or some more distant part of the State, and Harvard College rid of it for ever. Now let us inquire, What comes next? Is no divinity to be taught in Harvard College? Is every other science to be taught there, and the elements and history of religion to be excluded? O, no, it is replied; there must be a Divinity Professor. If so, the question necessarily arises, Of what sect shall he be? If a clergyman, he must be of some sect; and of whatever denomination, he fixes a sectarian character on the College.

Well then, it is said, there shall be no Professor of Divinity in Harvard College. Let this, also, be established. There must be a president and professors. Are none of these to be taken from the clergy? If you do thus select, they must be of some sect; and here again your selection fastens sectarianism on the College. Well then, you say, we will have no clergymen in any of these offices. This, I know, is the point at which some men are driving; but it is one for which I am not prepared, and I question whether the people of Massachusetts are prepared for it. My objection to the whole scheme of removing the Divinity School from the College is, that it will, in the event, either prove to be a deception, and only a mode of getting one sect out of the College and another sect into it, or else will result in establishing in the College the Girard principle of excluding clergymen of all denominations from all its offices of government and instruction.

It ought to be the study of every people, who have the management of their own affairs, to control and keep in check the influence of any one species of sectarianism,— to divide, and thus paralyze, its powers, and not permit one sect to obtain a predominating influence in the state over all or a great majority of their seminaries of education. Let the people of Massachusetts understand that the attempt now making by leading Calvinists in Boston and its vicinity is not merely to get Unitarianism out of Harvard College, but to put Calvinism into possession of it; that this has been their purpose and struggle for these forty years past; and unless their projects be counteracted and defeated by the vigilance and spirit of the community, they will ultimately be successful, though it cost a struggle of forty years more. The alliance

recently, to all human appearance, entered into on the floor of the Senate-chamber of Massachusetts is a pregnant evidence of their aim and tact. The predominating influence of Calvinism is stamped, in characters not to be concealed or mistaken, on at least seven institutions for education in New England,—Yale, Williams, Amherst, Bowdoin, Dartmouth, Middlebury, and Burlington. There is also another highly endowed institution in Massachusetts, in which every article of the creed of this sect is riveted down for ever on the seminary by a subscription of faith required of the professors, to be renewed every five years. Yet with all this power they are not content. All this influence "availeth them nothing, so long as" Harvard is not also in their possession.

I know it will be said, in reply, "How unjust is this charge! Were not the Calvinists the authors of that nobly liberal scheme by which all sects are at this day eligible to seats at the Board of Overseers? Shall no credit be given to them for this pure and elevated catholic spirit?" Certainly, Calvinists were agents in effecting that great change in the elemental principles of selection of members of this Board. And when the project was submitted to the Corporation for their sanction, I personally opposed its acceptance; not, however, from any illiberal or sectarian feeling, but because I foresaw, what events have already proved, that this apparently liberal scheme would result in constructing, out of the hopes and expectations of the members of other sects, a bridge, over which Boston Calvinists might pass themselves into possession of Harvard College. Does any man believe that any one of these would give his vote and influence to introduce an Episcopalian, a Baptist, a Methodist,

a Universalist, into the office of president, or of instructor in any moral, religious, or intellectual department in Harvard College? I think not. And how has this new principle been acted upon by these very Calvinists? Since the change in the constitution of the Board of Overseers, antecedent to the present session, how have *four* out of five vacancies which have occurred in this Board, one in the lay and three in the clerical part of it, been filled? Did the Calvinists seize the occasion to carry into speedy effect the generous design of introducing into the Board members of other sects? Far from it. *Three* out of these *four*, *one* layman and *two* clergymen, were Calvinists. The fourth gentleman elected was a Universalist; and he was indebted for his majority to the Unitarians. With respect to the election of the present session I shall say nothing; for, although a distinguished Unitarian has been elected, and I have no doubt that some Calvinists voted for him, I have no disposition, at present, to remark upon the subject.

My argument, then, is this, — that Calvinists have at this day, in Massachusetts, more worldly power and influence than any other sect, and probably than all other sects put together; that they have enough colleges and theological seminaries at their command for the safety and permanence of religious freedom; and therefore, whatever sect it may be deemed advisable to place in possession of Harvard College, let it not be the Calvinistic.

In this connection it may be well for the members of other sects to consider, and that, too, with some earnestness and anxiety, whether, if Calvinism should be substituted for Unitarianism in Harvard College, as is the design, they would be likely to find more liber-

ality, more fair play, less bitterness, and a kinder or more respectful construction and treatment of their peculiar religious views than they experience at this day from those who are now in possession of that institution. I ask the question without prejudice. In a sectarian sense, I am not, and never was, a Unitarian. Indeed, as I understand Unitarianism, it has no principle of sectarianism in it, — and from its very nature cannot have.

The question, then, arises, What is meant by the term *sectarianism?* In common speech, we understand by this term that exclusive spirit which inculcates a belief in certain peculiar tenets in religion, as affording either the only or the best hope of salvation. Now, it is true, Unitarians do, in general, entertain certain views relative to the nature and mission of our Saviour, which are not in accordance with those held and maintained by the Calvinists. But did any man ever hear of a Unitarian, who thought or taught that a belief in that, or any other tenet of this denomination, deemed peculiar, afforded the only, or would give a better, chance for salvation? Did any man ever hear a Unitarian say or teach that a Calvinist could not be a Christian? or that they who had adopted the Calvinistic creed, after faithful and prayerful research of the Holy Scriptures, were not full as likely to be accepted by the Great Master, in the day of final retribution, as though they had subscribed to every article of the Unitarian faith? I think not; although it is possible that some of that denomination, more valorous than wise, may have been tempted to gather up some of the spent shafts of their adversaries, and return them into the enemy's camp.

The foundations of Unitarianism, as I have been taught and have surveyed them, are as broad as the

New Testament, which it receives as the inspiration of the Divine Mind, neither desiring to add any thing to it, nor daring to subtract any thing from it. All that is mysterious, miraculous, and beyond the comprehension of the human intellect, Unitarians receive, not to doubtful disputations, but reverently and prayerfully, as an article of faith. Their belief in the birth, death, resurrection, and ascension of our Saviour is as full and perfect as that of any other sect; they rest their hopes of another life on the cross, and look to him who suffered upon it as their Saviour, Sanctifier, Redeemer, and final Judge, with as much confidence and trust as any other sect. But the great distinguishing characteristic of the Unitarian body is, that they profess to call no man master, upon earth; and that they act up to that profession. Their master is Christ. Their creed is the New Testament, sealed by the blood of our Saviour, whose teachings they receive and promulgate in the language in which he uttered them; not endeavouring to improve it by the use of technical terms, nor perverting it to party purposes with a view to clerical power; not believing, and not teaching, that their views and opinions are the sole or even infallibly the best way of salvation; and not calling every man a heretic who does not adopt them. Such are the views of Unitarians, as I have gathered them from the preaching of the clergymen of that denomination, in the College chapel and elsewhere. They insist on freedom from creeds of men's invention, and independence of all human dictation in the articles of their faith; maintaining the right of every man to search the Scriptures for himself, and to "*prove all things*" for himself, unbiased by party names and technical dogmas. They believe that every man must stand or fall, before the

final Judge, according to the faith he has drawn from the Holy Scriptures by virtue of his own research, and not by his belief in creeds framed by other men, and taken upon trust; it being every man's duty, as well as right, in the language of that father of New England, John Robinson,* "to think for himself, *and not, like the Lutherans and Calvinists*, stop short where their leaders stopped"; — of consequence, that a way devised by other men is not to any man the way of salvation, unless, independently of human guides, he has found that way by his own faithful and prayerful research.

The Unitarian denomination, then, is, in my judgment, not only not chargeable with sectarianism, but it is fundamentally opposed to the whole spirit of sectarianism. The essence of sectarianism consists, as I have said, in holding and maintaining one or other of two principles, — either that a belief in the tenets which the sect combine to maintain is *the only Scriptural way of salvation*, or that it is *of all ways the most certain of salvation.*

The history of the Church is illustrative of these views. The Romish church assumed to itself the principle, that "out of the pale of our faith there is no Scriptural assurance of salvation." This was the great power which enabled it for so many ages to govern the world. That church, through the instrumentality of this principle, possessed itself of the position which Archimedes sought, — a place out of the world, by which to move the world. This power was figuratively expressed by the term *St. Peter's keys*, which alone were able to open heaven's gate.

* See Quincy's "History of Harvard University," Vol. I., p. 50.

When the Reformation came, and sects multiplied, the leaders of every sect realized the advantage the Romish church possessed in *St. Peter's keys;* and, as they could not devest that church of those keys, they set themselves to work and manufactured *little pass-keys*, as like St. Peter's as possible, and taught their converts to believe that they were quite as good, if not a little better, than the great keys of St. Peter; being made of the same material, a little lighter, not quite so burdensome, and altogether as sure.

Now I cannot find that the sect called Unitarian *ever made to itself a pass-key*, — that it ever taught that a sincere believer in the divine inspiration of the New Testament, receiving all its sublime truths, all its mysterious annunciations, all its recorded miracles, the death, resurrection, and ascension of our blessed Saviour, with a humble and childlike faith, whatever might be his construction and peculiar views of the other parts of the Sacred Scriptures, was not quite as sure of salvation as though he believed every tenet of the Unitarian creed.

Such are the grounds on which I said that Unitarianism has not the vital principle of sectarianism in it. And yet, I never did and never will call myself a Unitarian; because the name has the aspect, and is loaded by the world with the imputation, of *sectarianism.*

It may here properly, and will naturally, be asked, If you are neither a Calvinist nor a Unitarian, of what sect are you? I answer, in the language of John Milton,* whose conversion from Calvinism was, according to his own account of the process, effected in the same way as was mine.

* See "A Treatise on Christian Doctrine compiled from the Holy Scriptures alone," by John Milton, Vol. I. p. 9. Boston. 1825.

"For my own part, I adhere to the Holy Scriptures alone; — I follow no other heresy, or sect. *I had not even read any of the works of heretics, so called, when the mistakes of those who are reckoned for orthodox, and their incautious handling of Scripture, first taught me to agree with their opponents whenever those opponents agreed with Scripture.* If this be heresy, I confess, with St. Paul, Acts xxiv. 14, 'that after the way which they call heresy so worship I the God of my fathers, believing all things which are written in the law and in the prophets,'—to which I add, whatever is written in the New Testament."

I answer again, in the language of Scripture, I am of the class of "*the disciples, who were called Christians first in Antioch.*" Acts xi. 26.

Whenever men will be content with the name which the Apostles selected and by which they chose to be called, and will use only the language which is to be found in the Scriptures, and in the connection, and with the meaning, when it is clear, and when it is dubious, with the Christian spirit, in which it was used by those Apostles, there will be an end of *sectarianism*, and with it an end of clerical ambition, with no diminution of clerical power; — all men will worship in the same faith together, and be only, and altogether, CHRISTIANS.

APPENDIX.

A.

TABLES

Of "College Expenses," strictly so called, at Harvard College, — meaning thereby those charges which are peculiarly and exclusively incident to life in College, and of course excluding cost of Board, Text-Books, and Fuel, — for the four Academic years 1813-14 to 1816-17, and also for the Academic years 1840-41 to 1843-44.

TABLE I.

1813-14.

		Average.
Steward and Commons,* each class,	$ 10.00	10.00
Rent, Freshmen,	7.00	
Sophomores,	7.00	8.00
Juniors,	7.00	
Seniors,	11.00	
Instruction, Freshmen,	44.00	
Sophomores,	44.00	50.00
Juniors,	56.00	
Seniors,	56.00	
Instruction in Nat. History, Juniors and Seniors,	12.00	3.00
Instruction, Medical, Seniors,	10.00	2.50
Library, Freshmen,	0.00	
Sophomores,	2.00	2.50
Juniors,	4.00	
Seniors,	4.00	
Repairs and Fuel of Lecture Rooms, each class,		3.96
Sweepers and Sand, "		2.61
Catalogue and Commencement Dinner, "		1.76
Theses and Orders, Seniors,	1.21	.30
Diploma, "	2.00	.50
		85.13
Fines, average to every student of every class,	2.40	
Assessm'ts for delinquencies in pay't of quarter-bills, average,	.98	
		3.38
		$ 88.51

* This charge was entirely independent of the charge for *Board in Commons*.

Table II.

1814–15.

		Average.
Steward and Commons, each class,	$ 10.00	$ 10.00
Rent, Freshmen,	10.00	
Sophomores,	10.00	10.50
Juniors,	10.00	
Seniors,	12.00	
Instruction, Freshmen,	45.50	
Sophomores,	45.50	51.50
Juniors,	57.50	
Seniors,	57.50	
Instruction in Natural History, Juniors and Seniors,	12.00	3.00
Instruction, Medical, Seniors,	10.00	2.50
Library, Freshmen,	0.00	
Sophomores,	2.00	2.50
Juniors,	4.00	
Seniors,	4.00	
Repairs and Fuel of Lecture Rooms, each class,		9.67
Sweepers and Sand, "		1.02
Catalogue and Commencement Dinner, "		1.76
Theses and Orders, Seniors,	1.14	.28
Diploma, "	7.00	1.75
		94.48
Fines, average to every student of every class,	$ 2.48	
Assessm'ts for delinquencies in pay't of quarter-bills, average,	.82	3.30
		$ 97.78

Table III.

1815–16.

		Average.
Steward and Commons, each class,	$ 10.00	$ 10.00
Rent, Freshmen,	10.00	
Sophomores,	10.00	10.50
Juniors,	10.00	
Seniors,	12.00	
Instruction, Freshmen,	46.00	
Sophomores,	46.00	53.50
Juniors,	61.00	
Seniors,	61.00	
Instruction, in Natural History, Juniors and Seniors,	12.00	3.00
Instruction, Medical, Seniors,	10.00	2.50
Library, Freshmen,	0.00	
Sophomores,	2.00	2.50
Juniors,	4.00	
Seniors,	4.00	
Repairs and Fuel of Lecture Rooms, each class,		7.32
Sweepers and Sand, "		2.57
Catalogue and Commencement Dinner, "		1.76
Theses and Orders, Seniors,	1.34	.33
Diploma, "	7.00	1.75
		95.73
Fines, average to every student of every class,	$ 2.49	
Assessm'ts for delinquencies in pay't of quarter-bills, average,	.98	3.47
		$ 99.20

Table IV.

1816–17.

		Average.
Steward and Commons, each class,	$ 10.00	$ 10.00
Rent, Freshmen,	10.00	
Sophomores,	10.91	11.74
Juniors,	10.91	
Seniors,	15.16	
Instruction, Freshmen,	46.00	
Sophomores,	46.00	55.00
Juniors,	64.00	
Seniors,	64.00	
Instruction in Natural History, Juniors and Seniors,		
Instruction, Medical, Seniors,	12.88	3.22
Library, Freshmen,	2.00	
Sophomores,	4.00	3.50
Juniors,	4.00	
Seniors,	4.00	
Repairs, and Fuel of Lecture Rooms, each class,		5.45
Sweepers and Sand, "		2.55
Catalogue and Commencement Dinner, "		1.76
Theses and Orders, Seniors,	1.12	.28
Diploma, "	7.00	1.75
		95.25
Fines, average to every student of every class,	$ 1.85	
Assessm'ts for delinquencies in pay't of quarter-bills, average,	.96	2.81
		$ 98.06

Table V.

Expenses at Harvard College (exclusive of Board, Text-Books, and Fuel) for the Academical years

	1840–41.	1841–42.	1842–43.	1843–44.
Instruction, Library, and Lecture Rooms,	$ 75.00	$ 75.00	$ 75.00	$ 75.00
Rent, and Care of Rooms,	15.00	15.00	15.00	15.00
Special Repairs,	1.04	1.71	6.56	.85
Diploma, (Seniors, $ 2.50,) average,	.62	.62	.62	.62
	$ 91.66	$ 92.33	$ 97.18	$ 91.47

TABLE VI.

Summary, showing the average expenses of an undergraduate at Harvard College (exclusive of Board, Text-Books, and Fuel) for four years, from 1813–14 to 1816–17, and for four years from 1840–41 to 1843–44.

Exclusive of Fines and Assessments.		Including Fines and Assessments.		After Fines and Assessments were discontinued.	
Year 1813–14,	$ 85.13	Year 1813–14,	$ 88.51	Year 1840–41,	$ 91.66
" 1814–15,	94.48	" 1814–15,	97.78	" 1841–42,	92.33
" 1815–16,	95.73	" 1815–16,	99.20	" 1842–43,	97.18
" 1816–17,	95.25	" 1816–17,	98.06	" 1843–44,	91.47
Total for 4 yrs.,	$ 370.59		$ 383.55		$ 372.64
Average for 1 yr.,	92.64		$ 95.88		$ 93.16

Cambridge, April 9, 1845.

I hereby certify that the foregoing tables, numbered from I. to V. inclusive, are abstracts, carefully made, from the original Quarter-bill Books and Term-bill Books remaining in the Steward's office. Table VI., as will appear upon inspection, shows the result derived from the addition of the several sums total of the preceding tables. The abstract which follows, marked B., showing the sums total of certain College bills, is carefully made from the original entries in the Bill Books above mentioned.

W. G. STEARNS, *Steward of Harvard College.*

B.

Aggregate of the Quarter-bills of two students at Harvard College, (Mr. Bancroft and Mr. Cushing,) during the four Academic years 1813–14 to 1816–17; and of one student, (Mr. Charles J. Capen,)* during the four Academic years 1840–41 to 1843–44.

Footings of Quarter-bills, four years, from 1813–14 *to* 1816–17.

	Geo. Bancroft.		Caleb Cushing.	
Freshman yr., 1st Quarter, 1813–14,	$ 14.34		$ 17.08	
2d " "	16.52		46.54	
3d " "	22.95		45.47	
4th " "	13.71		42.97	
		$ 67.52		$ 152.06
Sophomore year, 1st Quarter, 1814–15,	18.79		53.49	
2d " "	55.25		66.37	
3d " "	64.38		74.21	
4th " "	53.01		60.71	
		191.43		254.78
Junior year, 1st Quarter, 1815–16,	55.77		68.95	
2d " "	53.82		64.91	
3d " "	89.92		82.55	
4th " "	61.52		67.24	
		261.03		283.65
Senior year, 1st Quarter, 1816–17,	62.42		66.80	
2d " "	64.17		89.98	
3d " "	67.04		84.42	
4th " "	63.59		69.53	
Codicil to 4th Quarter-bill,	38.19		45.89	
		295.41		356.62
Total for the four years,		$ 815.39		$ 1,047.11

Footings of Term-bills, for four years, from 1840–41 *to* 1843–44.

	Charles J. Capen.	
Freshman Year, 1840–41, 1st Term,	$ 99.47	
2d "	92.62	
		$ 192.09
Sophomore Year, 1841–42, 1st Term,	99.01	
2d "	93.25	
		192.26
Junior Year, 1842–43, 1st Term,	104.28	
2d "	104.16	
		208.44
Senior Year, 1843–44, 1st Term,	97.69	
2d "	92.70	
		190.39
Total for four years,		$783.18

* The reasons for selecting Mr. Capen were, that, like Mr. Bancroft, he was the son of a clergyman in moderate circumstances, and (adds the Steward) "that he lived *in College* and *boarded in commons*, during his whole College life; a very rare thing in these days. He is charged in *every term-bill* with *every one* of the six items of Instruction, Rent, Special Repairs, Books, Fuel, and Board."

It appears, however, by the subjoined letter, that Mr. Bancroft, during the first year of his College life, and the first quarter of the second year, lived out of commons; whereas Mr. Capen, with whom he is compared, boarded in commons during every term of his four years. In order, therefore, to a just comparison of the present expenses of a College education with those when Mr. Bancroft was in College, the cost of the College board for five quarters ought to be added to the account of Mr. Bancroft's expenses, thus:—

Footing of Mr. Bancroft's Quarter-bills, as stated in the Tables,		$ 815.39
Add for Board during five quarters, as by letter below,		105.66
		$ 921.05
But the amount charged to Mr. Bancroft, for Text-books, was	$ 78.15	
While the amount charged to Mr. Capen for the same was only	35.09	
Deducting the difference		43.06
Mr. Bancroft's College expenses amount to		$ 877.99
Mr. Capen's College expenses were		783.18

So that the real excess in the cost of an education at Harvard, in 1813–17, beyond that at the present day, according to Mr. Bancroft's and Mr. Capen's expenses, is $ 94.81 instead of $ 32.21, as stated in the text.

March 11.

Dear Sir,

The following statement shows the amount which would have been charged to Mr. Bancroft for Board, if he had been in Commons during the early part of his College life: —

Freshman year, 1st Quarter,	$ 3.24*	
2d "	28.00	
3d "	24.57	
4th "	24.50	
Sophomore year, 1st "	25.35	
		$105.66

The whole of this amount, $ 105.66, should be added to the gross amount of Mr. Bancroft's bills in your possession, in order to find what his expenses *would have been*, had he been always a boarder in Commons. Mr. Bancroft ought also to be credited with the sum of $ 43.06, that being the difference between the amounts charged to him and Mr. Capen for Text-books.

Very respectfully, yours,

W. G. Stearns.

President Quincy.

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* At the period referred to, the *quarter-bills* did not correspond at all with the *terms* of study. There were *three* terms and *four* quarter-bills. The first quarter ended, and the second commenced, a little more than a week after the commencement of the College year. This fact accounts for the small charge, in the first quarter-bill of the Freshman year, for board in Commons, and also for the *Codicil* at the end of the Senior year.

C.

List of Professors, Lecturers, and Tutors, who instruct at Yale.

President Day, — Intellectual and Moral Philosophy and Political Economy.
Professor Daggett, — Constitutional Law.
" Silliman, — Chemistry.
" Kingsley, — Latin and History.
" Knight, — Anatomy.
" Fitch, — Moral Philosophy.
" Goodrich, — Criticism.
" Olmsted, — Natural Philosophy and Astronomy.
" Woolsey, — Greek.
" Larned, — Rhetoric and Logic.
" Stanley, — Mathematics.
" Thacher, — Latin and Greek.
Lecturer Shepard, — Natural History.
Instructor North, — Elocution.

The above constituting an aggregate of Professors and Instructors, 14
In addition to the above, there are Tutors, who teach Greek, Latin, and Mathematics, ... 7
and an assistant Lecturer in Chemistry, ... 1

22

I put aside, in Yale, Professors Ives, Taylor, Beers, Gibbs, Hitchcock, Hooker, Bronson, Salisbury, and Instructor Townsend, because I cannot find that they either instruct or lecture to undergraduates.

List of the Professors, Lecturers, and Tutors, in Harvard College.

Professor Warren, — Anatomy.
" E. T. Channing, — Rhetoric and Oratory.
" Webster, — Chemistry and Mineralogy.
" Walker, — Natural Religion, Moral Philosophy, and Civil Polity.
" Sparks, — History.
" Beck, — Latin.
" Felton, — Greek.
" Peirce, — Astronomy and Mathematics.
" Gray, — Natural History.
" Lovering, — Natural Philosophy and Mathematics.

Constituting an aggregate of Professors, ... 10
In addition to the above, there is one Tutor who instructs in Elocution and Constitutional Law, ... 1
and in teaching Latin and Greek, ... 2

13

I put aside, in Harvard, Professors Jackson, Story, Greenleaf, Bigelow, W. Channing, Hayward, Bond, Francis, and Noyes, because they neither lecture to nor instruct undergraduates; and also Ware and Treadwell, who lecture on subjects on which there is no corresponding lecturing in Yale. Also, in respect of both institutions, the professors and instructors in modern languages are put aside.

D.

At a meeting of the President, Professors, and Tutors of Harvard College, March 15, 1786, —

John Quincy Adams, of Braintree, born July 11, 1767, son to his Excellency, John Adams, Esq., Ambassador from the United States at the Court of London, now applied for admission into the Class of Junior Sophisters in this University, and, after examination had, —

Voted, That, upon his complying with the laws respecting admission, he be admitted into such class.

N. B. No money was required from Adams, for his admission to this advanced standing; the Corporation and Overseers having voted, some time before, as a mark of gratitude to his father for the important services rendered by him to the United States, that he should be admitted, free from all charge, to whatever standing he should, on examination, be found qualified for.

E.

Vote passed, June 29, 1839, *by the Corporation.*

Voted, That the Treasurer be authorized, on the application of any candidate for advanced standing in the College, to postpone any demand of the usually required fee, for one year; and if such applicant shall prove himself to have need and merit, after trial of one year, that he be authorized to remit it altogether.

EXTRACT FROM MR. BANCROFT'S "MINORITY REPORT,"

SO FAR AS IT IS THE SUBJECT OF COMMENT IN THE PRECEDING SPEECH.

The undersigned, as one of the Committee of Visitation, attended to the duty assigned him, by repeated visits to the College, by personal observation, and by continued inquiries.

The undersigned dissents totally from the suggestion that higher qualifications should be the requirement of admission. Such additional requirements could easily be made a part of instruction in the excellent public school in Boston, and in some few academies and private schools. They could not be made general in the preparatory schools of the country; and they would, therefore, shut the doors of Harvard College still more effectually against almost all but the sons of residents in Boston, and a few favored places. The adoption of the elective system of studies diminishes the motive to such additional requirements.

The undersigned, acting as one of your Committee, has been more deeply impressed than ever with the disproportion between the magnificent endowments of Cambridge and the comparatively small number who derive a benefit from them. The increase of students has not kept pace with the increase of the population of the Commonwealth. The resort to the College is also becoming more and more confined to the sons of residents in Boston and its immediate vicinity. Were the whole Commonwealth as well represented there as this city, the number of students would be at least three-fold greater than at present. It is a serious fact, well worthy the most grave consideration of this Board, that eight prosperous and intelligent counties, which elect a majority of the Senate of this Commonwealth, send to Harvard College fewer pupils than they return Senators to this Board. The counties of Worcester, Franklin, Hampshire, Hampden, and Berkshire, Norfolk, Bristol, and Barnstable, send this year, through the Senate, more Overseers to Harvard College than their constituents send of their sons. This desertion of the College, by half the Commonwealth, is most deeply to be regretted. The excellent apparatus for instruction, the scientific collections, the library, and the merits of the professors, — among whom are men venerable for their ability, learning, and conscientious fidelity as instructors, — conspire to nourish the wish, that the resort to the College may be quickened.

The present year, the students from Massachusetts are but one hundred and eighty-four. Of these, one hundred and four are from Boston and its three suburbs of Roxbury, Cambridge, and Charlestown; and but eighty from the rest of the Commonwealth. Leaving out of the account the three counties of Suffolk, Middlesex, and Essex, and all Massachusetts sends but twenty-nine pupils to Harvard College. Yet the Constitution of this State makes it the duty of the Legislature to cherish the University at Cambridge, in order that knowledge may be diffused generally among the body of the people.

Two causes conspire to diminish the throng to Harvard College. An apprehension exists, that a sectarian character attaches to its government. Harvard College belongs to no sect. It is the child of the Commonwealth. It is the house of learning which the people have erected, and which they have founded on the Constitution itself. No sect has a right to the possession of it. No party, religious or political, should control it. In the selection of its teachers, a single eye should be had to capacity and fidelity; in the selection of the clerical part of the permanent board of its overseers, ascendency should be given to no one religious denomination. Were every apprehension on this subject dispelled, it would go far towards winning for the College universal confidence.

The second cause of the diminution of public favor is the increasing expense of education at Cambridge. The habits of economy at a place of education are affected by the character of the collective body of the pupils. As expenses increase, the sons of the less affluent begin to remain away, and the absence of their influence aggravates the tendency to expensive gratifications. But the old-fashioned frugality and rustic simplicity are the best allies of discipline. The undersigned, as one of the Board of Visiters, is not prepared to confirm the remark, that, "in point of disposition to good order and assiduity in study, little more is to be hoped or even to be wished." There remains great room for desirable improvement, which would be promoted by the greater influx of recruits from the country, and from the families of the less wealthy.

The expenses of tuition have been increased at least fifty *per cent.* beyond what they formerly were, and for some of the classes thirty-three and a third *per cent.* beyond what they were when the undersigned was a student. Yet the College has all the time been growing more opulent. The charge for tuition is greater at Cambridge than at those institutions where there are no endowments, and where the professors depend for their whole livelihood on their success in attracting pupils. It is preposterous to say that this is necessary.

A diminution of the expense of tuition might bring with it, perhaps, a very small diminution of the number of those engaged in the government and instruction of the College; and perhaps a slight increase of

duty to some who are now the least burdened; yet not such an increase as would affect the character of their places as the most agreeable, most desirable, and least onerous in the country. Or it might leave some inconsiderable portion of their salaries contingent on the number of pupils whom they might draw around them. If so, it would only require them to share, in some little degree, the lot of every lawyer, physician, editor, and private teacher in the community.

In regard to expense, the undersigned must add a reprobation of a practice of the College, of demanding from students admitted to an advanced standing the tuition, in part, of the previous instruction, which they did not enjoy. In European Universities, such a thing, it is believed, is not heard of. It is extortion, and ought instantly to be abolished.

To give the Board an opportunity of expressing an opinion on the subject discussed in this report, the undersigned concludes by offering the following resolutions.

Resolved, That this Board do not advise an increase in the requirements for admission to Harvard College.

Resolved, That, in filling up vacancies in the clerical part of the permanent Board, care should be taken to avoid giving a majority to any one religious denomination.

Resolved, That the charge for tuition, in Harvard College, where most of the professorships are endowed, ought not to exceed the charge for tuition in those Colleges which are wholly or principally dependent for support on the tuition fees from students.

Resolved, That, where students are admitted to an advanced standing, the Board do advise that no charge whatever should be made to them for tuition which they have never received.

Resolved, That a special committee of three, from the Board, be appointed by the nomination of the chair, to mature and report a plan for the immediate reduction of the expense of tuition in Harvard College, and that the President and Fellows of Harvard College be requested to coöperate with said committee.

All which is respectfully submitted.

GEORGE BANCROFT.

Boston, January, 1845.

Lest it should be suggested that full justice has not been done to Mr. Bancroft's statements and views, in the preceding Speech, I have deemed it proper to publish the above extract, which in fact contains the whole of the Minority Report, so far as it relates to Harvard College. The part omitted being introductory, and relating to a controversy, of a somewhat personal nature, between Mr. Bancroft

and Mr. Morey, the Chairman of the Sub-committee of Visitation, it could not, with propriety, be retained and published, without also publishing a long letter from Mr. Morey, controverting the statements of Mr. Bancroft. As the subject of that controversy is not alluded to in the preceding Speech, I have deemed it more proper to omit whatever related to it in the Minority Report.

Judge Shaw's

Report

in relation to the

Zoological Department

of

Harvard College

Feb 7 1874

REPORT

OF THE

COMMITTEE OF THE BOARD OF OVERSEERS

OF

HARVARD COLLEGE

IN RELATION TO THE

THEOLOGICAL DEPARTMENT,

&c. &c.

Boston:
DUTTON AND WENTWORTH, PRINTERS,
No. 37, Congress Street.
1846

REPORT.

The Committee of the Board of Overseers of Harvard College, who were instructed by a vote of the Board, passed 7th February last, to consider the expediency of disconnecting entirely the Theological Department from this College, and of providing that there shall be no preaching to the students in the Chapel, or religious exercises, other than morning and evening prayers; also, that if said committee shall be of opinion that it is expedient to sunder the relation now subsisting between the College and the Divinity School, they be farther instructed to report what arrangements ought to be made to separate the funds, which have been contributed in aid of the Theological Department, from the other funds of the College, so as at once to render the College a State Literary Institution, and to do ample and entire justice to each and all of those, who have contributed towards the endowment and support of the Divinity School, respectfully submit the following Report.

The two subjects embraced in the vote being entirely distinct, we have first considered the subject respecting a separation of the Divinity School from the College.

There has been, from early times, some provision for instruction in Theological Science at the College; but there has been no separate or distinct department for the promotion of theological education, until a comparatively recent period. The Hollis professorship was established more than a century ago. The fund was small, however, not exceeding about $2,600; and a few small additions from other sources, of about $1,300,

made the fund about $4,000. The income from this fund, estimated at 5 per cent., is about $200.

Prior to 1815, there were usually a few resident graduates, students in divinity, at the College, who derived some aid for their support from the Hopkins fund, and who pursued their studies under the direction of the Hollis Professor of Divinity, reading dissertations occasionally in the Chapel.

The great increase of this establishment took place in consequence of applications to the public, made for that purpose, by the President and Fellows of Harvard College, commencing in December, 1815, and resumed from time to time, for several years. It was a call on wealthy and benevolent individuals, to contribute funds for the promotion of Theological Education in Harvard University; and large contributions were made, in conformity with that call. A voluntary Society was established, by the contributors and benefactors, under the name of the "Society for the promotion of Theological Education in Harvard University," which afforded effectual aid in raising funds for the purpose, proposed by the College, and declared by the title of the Society. The funds thus raised were paid from time to time into the College treasury. After some changes in its organization, a constitution was adopted by this society in November, 1824, which provided for the appointment of a Board of Directors, and five trustees, to act with the corporation, in matters connected with the Divinity School. This constitution contemplated, that moneys given to the Society, which had not then been paid over to the College Treasurer, and such as should be afterwards given, unless directed by the donors to be paid over to the College Treasurer, should be retained by the treasurer of the Society and administered by its directors. This constitution also contemplated, that if, at any time after its adoption, the Society should think fit to appropriate the funds, thereafterwards to be collected, to a Theological Institution, to be disconnected from Harvard College, with the consent of the Directors, and of the President and Fellows of Harvard College, such funds might be so appropriated.

By the terms of the constitution of this voluntary society, it is left doubtful whether the Theological Institution, after its

adoption, would have been under the control and direction of the Directors of this society, or of the President and Fellows of the College, subject to the revision of the Overseers. It provided that the Directors should take the general oversight and superintendence of the Institution, and make regulations for the admission, instruction, and discipline of the students; such regulations to be submitted to the Corporation of Harvard College, for their assent, in all cases wherein, by the Constitution of the University, such assent may be requisite. These provisions left it doubtful whether the institution was to be a department of the College, its statutes to be approved by the Overseers, and the appointment of its professors confirmed by them; or whether it was to be a separate institution under a distinct government.

By an act of the Legislature, passed 15 Feb., 1826, this society was incorporated under the name of the Society for the promotion of Theological Education at Cambridge, for the purpose of establishing and maintaining a Theological Institution to assist young men of competent talents, pure morals and piety, in preparing themselves for the Christian ministry. In this act, the whole power of managing the institution was apparently vested in another corporation, in which the College government had very little share. There was a provision which recognized the power of the College over funds before that time contributed and paid over to the College Treasurer, by providing that all such moneys should be appropriated by the five Trustees of the new Society and the President and Fellows of Harvard College, constituting one board. It also contained the same provision, that the doings of the Society should be submitted to the Corporation of Harvard College for their approbation, in all cases wherein, by the Constitution of the University, such assent or approbation might be requsite. This clause did not define or state what doings would so require the assent of the College government, and therefore left it entirely doubtful what would be the practical effect of such a provision. This act contained a clause providing that it should take effect and be in force when the President and Fellows of Harvard College should assent thereto.

After long deliberation upon a report of a committee, the Corporation declined assenting to this act. The reasons are fully stated in that report, and they result in this—that the adoption of this act would either place the institution under two independent governments, having no common head, to the great detriment of the institution; or the power of the new government must be absolute in all things, in which case, it would be entirely beyond the control of the Overseers and of that board, and cease to be, in any sense, a part of the College; and that such a course would be contrary to their duty, and would defeat the declared object of the contributors to the theological fund. This vote of the Corporation, declining to assent to the act of incorporation, was passed 24 May, 1827.

The connection between the voluntary society for the promotion of Theological Education and the Government of the College, was terminated in Nov. 1830. The College, on great deliberation, established a Theological Faculty, upon a plan satisfactory to the society, under a series of statutes, which were afterwards submitted to and approved by the Overseers.

By a communication, made by the Directors of the society to the Corporation, Nov. 18, 1830, it was proposed to transfer all their funds to the President and Fellows of the College, upon certain terms specified; which proposal was accepted by the College, upon the terms expressed. A deed to this effect was afterwards duly executed, upon the trusts therein specified, some of which were as follows:—

1. To be applied generally to the promotion of Theological Education, this being the first and principal object proposed and intended by the donors of those funds; and it is therefore made the duty of the President and Fellows of said College to appropriate the same to assist young men of competent talents, pure morals and piety, in preparing themselves for the Christian ministry, and provide for them the best instruction which the said funds will admit, it being understood, according to the express provision attached to the said donations, by the contributors thereof, that every encouragement shall be given to the serious, impartial, and unbiassed investigation of Christian truth; and that no assent to the peculiarities of any denomina-

tion of Christians, shall be required either of the instructors or students.

2. That all the funds collected by the said Society or by their means, before the change made in their government in 1824, are to be applied by the President and Fellows, to the promotion of Theological Eeucation in Harvard College, according to the will of the donors, as expressed in the then existing rules and constitution of the Society.

3. It having been provided, in the 10th article of the Constitution established in Nov. 1824, that the Society, with the assent of the Directors thereof, and of the President and Fellows, might, at any time thereafter, if they should think it best, appropriate the funds thereafter to be collected to a Theological Institution disconnected from Harvard College; the said Society, with the assent of the Directors, do hereby, so far as in them lies, authorize such an appropriation of the funds collected since the time last above mentioned, whenever the said President and Fellows shall think it best so to appropriate the same, the funds embraced in this article being those specified in the four items of property first above mentioned as assigned by this instrument.

4. By this, the funds thus transferred are charged with the payment of certain debts and obligations of the Society, specified.

The items alluded to in the 3d trust, declared as above, were as follows :—

1. The interest of the Society in Divinity Hall and House attached thereto, amounting to - - being sums collected by the Society and appropriated towards the erection of said buildings.	$14,827 57
2. The Furniture therein, estimated at - -	2,027 08
3. The Library therein, cost - - -	548 38
4. Cash, - - - - - -	825 98

Whether, under the trust expressed in this deed, this sum of about $18,000 might be withdrawn from the Divinity School of the College, and applied, should they think it expedient, to

the establishment of a separate institution, is not, perhaps, material to consider now. The view taken of it, at the time, by the Corporation, seems to have been, that, by applying this part of their funds towards the erection of a building for the Divinity School, for the College, on the land of the College, the balance of the cost being paid by the College, from funds granted to the College in trust for that purpose, the Society have actually appropriated the fund; so that, the cautious and hypothetical declaration of a trust to that effect, would not place it in the power of the College Government, consistently with their duty to the donors, so to withdraw the sums, thus contributed towards the erection of a Divinity Hall for the College, and purposes connected therewith, to another and distinct institution.

But we have not thought it necessary to investigate this question more particularly, because it is manifest that it affects a small part only of the moneys raised by the voluntary Society; and unless, therefore, all the residue of the sums so raised, together with large donations from other sources, paid to the Corporation, in trust, to promote instruction in Theology in Harvard College, as a part of the system of university education, can also be detached, a Theological School or department must still continue; and the withdrawal of a small part of its funds, would not accomplish the object of the proposed separation.

One other donation was afterwards made to the corporation, for the aid and support of the Divinity School, under these circumstances. After the former act of incorporation had been rejected, and the voluntary Society for the promotion of Theological Education at Harvard University had transferred their funds to the Corporation, another Society was incorporated, by an act passed June 21, 1831, under the name of the "Society for promoting Theological Education." Although this Society had no reference, either in its title or its provisions, to Harvard College or to Cambridge, yet it consisted mostly of persons who had been actively engaged in the proceedings of the former Society, and had the same objects in view. This Society was organized under the act, and has, from time to time, afforded some aid to indigent students in Theology at the Di-

vinity School. In 1840, when it was thought expedient to place the Divinity School upon a more permanent foundation, and an appeal was made to the public for that purpose, this last named Society, acting in concert with the Berry Street Conference, raised and paid over to the Corporation the sum of ten thousand dollars. This donation was accompanied with this condition :—"and provided, also, that in case the funds transferred by the Society for promoting Theological Education, by an instrument dated December 3, 1830, shall ever be appropriated to the support of the Theological School, and separate from the College, the money now contributed shall go with said funds."

Of course, the power of the College to make a transfer of these funds, will depend upon the considerations already expressed in regard to the hypothetical trust declared by that deed.

Many other large donations have been made, both before and since the above mentioned transfer of funds by the Society, &c., most of which are, in terms, made to the President and Fellows of Harvard College, for the use of the Divinity School, or other equivalent expressions of trust, for the promotion of Theological Education in the College.

Some few donations were made, principally, through Dr. Henry Ware, Jr., after 1831, which were expressed to be, to the Divinity School, or for the Divinity School, or some equivalent expression.

That this was understood by Dr. Ware, Jr., to be a gift to the Corporation, in trust for the promotion of Theological Education in the College, is manifest from the fact of his communicating notice of them to the Corporation, and paying the money to the College Treasurer. But it appears to us also, that he was right in considering this to be the true construction of the terms of such gifts.

There has been no body politic and corporate, under the designation of the Divinity School, or Theological Institution, or other similar designation, capable in law, of taking and holding property, in trust or otherwise. The act for incorporating a Society for promoting Theological Education *at Cambridge*,

never went into effect; and the Society for promoting Theological Education in Harvard University was never incorporated. But it is a well established rule, that a donation for the promotion of any charity,—and the advancement of education in any department, is regarded in equity as an object of charity,—and the object and purpose of the charity is clearly designated, and there be a person or corporation charged with the administration of such charity, and capable, in point of law, of taking and holding such property, and designated by any name or description, indicating that it was in the contemplation of the donor, it will be deemed a gift to such person or corporation, in trust, to be applied to the accomplishment of the purpose thus designated.

We therefore consider all gifts and grants made to the Divinity School at Harvard College, or at Cambridge, or the Theological Institution at Cambridge, or for the promotion of Theological Education at Harvard College, or at Cambridge, or any equivalent expression, indicating this object, to be gifts to the President and Fellows of the College, in their corporate capacity, in trust, for the purpose expressed by such designation. These funds, then, all stand on the same foundation, with the questionable exceptions of a comparatively small portion of them, above stated; and they are either in express terms, or by necessary implication, donations to the College government, in its corporate capacity, to be held in trust and applied conformably to the constitution and laws of that institution, and subject to the same superintendence and revision of the Board of Overseers, as they are under in regard to funds appropiated to promote improvement in all branches of knowledge and all departments of education established therein, to the advancement of Theological Science and the promotion of Theological Education, as branches of education, within the scope and purposes of an University.

In regard to the questionable exceptions above alluded to, we have said that we have not thought it necessary to express an opinion, whether those funds might be alienated and appropriated to the establishment of a separate institution, or not; and the reason is, because it forms no very large proportion of

the whole fund now realized, and would not determine the question, whether a Theological Department shall continue connected with the College or not. If the other large funds, not subject to this exception, must continue to be held by the College, and to form the foundation of a Theological Institution, as a department of University Education, then the withdrawing of this part of the fund, would have no tendency to separate the Theological Institution from the College. And it adds to the strength of this consideration, that other large contributions have been since made, directly to the College. One of them has been made by the will of Benjamin Bussey, Esq., which is not yet realized in possession, because it is at present charged with several annuities, but which it is understood will ultimately afford a large income. The will provides, that one half the income of the property so conveyed to the President and Fellows of Harvard College, shall be annually appropriated, one half to the encouragement and promotion of Theological Education, and the other half to the encouragement and promotion of legal education in said College, by the endowment of professorships, &c. If, therefore, the excepted property could be withdrawn, consistently with the terms of the trusts, under which it is held, unless the whole could be so withdrawn, the effect would not be to detach and separate the Divinity School or Theological Department from the College, but simply to lay the foundation for a separate and coëxistent institution.

Regarding these donations then, as made to the College Government, in its public, corporate capacity, the question recurs, what are the rights, duties and obligations of the College in regard to them?

It is a public body, established in early times, recognized and cherished by each successive government of the Colony, Province and Commonwealth, confirmed by its fundamental laws. This body is under the superintendence and control of a Board of Overseers, to whose revision all important measures and establishments are submitted, and who have a negative upon all appointments of officers, appointed for instruction or government within the College. The College Government, as a public institution, thus organized and guarded, is permanent in its na-

ture, and made so, to accomplish its objects for the future, as well as the present, and entrusted with the great public interests of instruction and education in all departments of knowledge. Amongst these objects, are the advancement of Theological Science, and the promotion of Theological Education. For any or all these purposes, they are invested with a power to take and hold property in trust and perpetuity; to apply and appropriate the property or the income thereof to this object, according to the will of the donors. Donations having been made to this body, and accepted by them, upon these trusts, for the purpose, not only of founding, but of perpetuating a department within the College for the promotion of Theological Science as a branch of University Education, the Committee are of opinion, that the College Government, and all those entrusted, for the time being, with the administration of its affairs, are under a legal, moral and conscientious obligation to retain the property so given, and faithfully to apply it to promote the objects for which it was entrusted to them; and that they have no power, in law or equity, to transfer the property, and confide these trusts to any other person or corporation.

The Committee, therefore, are of opinion, and do report, that it is not expedient for this Board to make any recommendation to the Corporation, or to take any further order on the subject.

The Committee were also instructed to consider the expediency of providing "that there shall be no preaching to the students, in the Chapel, or religious exercises, other than morning and evening prayers."

These terms, perhaps, embrace a range of inquiry somewhat wider than was contemplated; but, as we understand it, the inquiry proposed is, whether it is expedient to discontinue public worship and religious exercises in the Chapel, on the Sabbath.

As full liberty is now allowed to all undergraduates, on a request to that effect, made to the College Government by themselves or their parents, to attend worship with any religious society in Cambridge, of any denomination, according to their own preference, there seems to be no occasion to adopt any

change, in order to secure greater freedom of conscience, or a wider latitude of choice in this respect, than is now enjoyed. It is, therefore, a question of expediency, in regard to those who have no particular preference in this respect.

In case the present system of religious exercises in the chapel, on the Sabbath, were discontinued, it would be for the College Government to adopt one of two expedients; either to leave the undergraduates to provide for themselves in this respect, and to go to such places of worship, in or out of town, as they please; or, for the Government to make some provision for them, and take measures to ensure their regular attendance.

We suppose it would not be regarded as consistent with that parental care, which the College Government are expected to exercise over a large number of young men, at a critical age, many of them coming from a distance, and necessarily removed, for the time being, from the care and control of their parents, to have no watch or guardianship over them on the Sabbath; nor would such a course be favorable to their own characters, nor to the character and discipline of the institution.

Should the College Government be required to provide a place of worship, for all that class of students, who have no preference of their own, and the case we are considering is that of such a class of students, it would not only be liable to the objection, that they must select the place of worship of some sect or denomination of Christians, but it might be inconvenient, if not impracticable, to provide for so large a number, with any congregation, and to make and enforce regulations suitable and sufficient to ensure the order, regularity and sobriety of deportment, befitting the place and the occasion.

In regard to the relative benefits to the students themselves, of religious exercises in the Chapel, prepared and conducted with special reference to their age and condition, and to their habits of thought, feeling and injury, and that of attending, with a mixed congregation, as usually composed, there may be some room for doubt and difference of opinion. There are some obvious advantages in the present system; and if the religious services of the Chapel are rightly conducted and suitably adapted to the wants and condition of a body of young men, of nearly

equal age, of active and intelligent minds, they may be in a high degree instructive and edifying. Perhaps there would be some advantage of another kind, in uniting with a congregation in religious worship, where the services are adapted to affect the minds of a mixed audience of persons of both sexes, and of all varieties of age, condition, and degree of intelligence. In this aspect of the case, a wise decision of the question must, we think, depend very much upon the careful observation, and the experience of those, who are more immediately connected with the Government of the College. With these views, both of the practicability and expediency of the proposed change, the Committee are of opinion that it is not expedient for this Board to make any express recommendation to the Corporation, or to take any further order on the subject.

For the Committee,

LEMUEL SHAW.

Boston, *January* 6, 1846.

BY-LAWS,

RULES, AND REGULATIONS

OF

THE OVERSEERS

OF

HARVARD UNIVERSITY,

NOW IN FORCE.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.
1846.

In Board of Overseers, 3d February, 1842.

On motion of Hon. WILLIAM J. HUBBARD,

Ordered, That the Secretary prepare an abstract from the Records of all By-Laws, Rules, and Regulations of this Board, now in force, for the government of its proceedings; and cause the same to be printed for the use of the members of this Board, and a copy thereof to be sent to each of the present members of the Board.

Attest,

JOHN PIERCE, *Secretary.*

RULES AND REGULATIONS

OF

THE OVERSEERS.

I.

At a Meeting of the Overseers, 1718, *Nov.* 12.

Voted, That the votes of the Overseers should be written in a book by themselves, and that the book should be produced at the Overseers' meetings.

[Records of the Overseers, Vol. I., page 15.]

II.

At a Meeting of the Overseers, 1722, *August* 30.

Voted, That the Clerk* of the Overseers, from time to time, and as soon as conveniently may be, deliver to the President an attested copy of the votes of the Overseers, to be by him communicated to the Corporation.

[Records, Vol. I., page 39.]

III.

At a Meeting of the Overseers, 1757, *April* 27.

Voted, That the 4th article of the Report, "that, at the opening of every semi-annual† meeting of the Overseers, the votes of the preceding semi-annual meeting be publicly read," be confirmed by the Overseers.

[Records, Vol. II., page 45.]

* On the 4th of July, 1764, Clerk's title altered to Secretary.

† The stated meetings, beginning with 12 January, 1832, have been annual, corresponding with the annual meeting of the Legislature.

IV.

At a Meeting of the Overseers, 1759, *April* 24.

Voted, That the 6th article of the Report, viz., That there always be presented an attested copy of such votes of the Corporation as are laid before the Overseers for their confirmation, was accepted by the Board.

[Records, Vol. II., page 59.]

V.

At a Meeting of the Overseers, 1762, *July* 21.

Voted unanimously, That the Overseers will not receive any votes from the Corporation about giving degrees on Commencement day, but such as shall be ready to be presented on or before 10 o'clock in the forenoon on said day, and that the grounds and reasons for conferring occasional degrees be laid before the Board as well as the Corporation.

[Records, Vol. II., page 127.]

VI.

At a Meeting of the Overseers of Harvard College, 30*th Sept.*, 1776, *at the Council-Chamber in Watertown.*

Voted, That it be recommended to the Corporation, whenever they make choice of any person to sustain any office in the College, that they give notice to the Secretary of the Board of Overseers, that he may either lay it before the Board at one of their meetings, or insert it in the notification for the meeting at which it is to be considered, seven days at the least before such election be passed upon by the Overseers.

[Records, Vol. III., page 101]

VII.

At a Meeting of the Overseers, 1787, *March* 26.

Voted, That, for the time to come, when the consent of this Board shall be asked to a vote of the Corporation electing any person to be a governor or instructor in the College, or conferring on any person an honorary degree, the decision shall be by *ballot.*

[Records, Vol. III., page 340.]

VIII.

At a Meeting of the Overseers, 1790, *May* 4.

The Committee recommend, that future meetings of Overseers be notified by printed messages left at each one's house, instead of verbal or written messages as heretofore adopted.

Voted to accept this Report.

[Records, Vol. IV., page 44.]

IX.

At a Meeting of the Overseers, 1793, *May* 7.

Considering that, by the alterations annually made in the Council and Senate, the names of the members of the Board of Overseers are imperfectly known to each other, and there is not a proper rotation observed in the choice of Committees, it is recommended, that the Secretary always have a correct list of the members ready to be produced at every meeting, from which list the Committees may be nominated.

Read and accepted in the Board of Overseers.

[Records, Vol. IV., page 130.]

X.

At a Meeting of the Overseers of Harvard College by adjournment at the Council-Chamber in Boston, May 24th, 1810.

The Committee appointed at the last meeting to consider the powers and duties of the Board of Overseers, the existing regulations for the government of the said Board, and what further regulations may be expedient, made the following Report, viz.: —

The Committee appointed the 17th inst. to consider the powers and duties of the Board of Overseers, the existing regulations for the government of the said Board, and what further regulations may be expedient, have attended that service, and report,

That the powers and duties of the Board of Overseers, as one branch of the College Government, are pointed out in sundry acts and instruments, among which, besides the Constitution of the Commonwealth, are the following: —

1st. An act establishing the Overseers passed by the General Court in Boston, 1642.

2d. The Charter granted to the President and Fellows of Harvard College, under the seal of the Colony of Massachusetts Bay, bearing date May 30, A. D. 1650.

3d. The Appendix to the Charter granted by an act of the General Court of the Colony, passed A. D. 1657. — Copies of which acts and instruments, with extracts from the Charter granted to the Province of Massachusetts Bay by King William and Queen Mary, A. D. 1691, accompany this Report.

The existing regulations for the government of said

Board are contained in the records of the meetings, and in the printed Laws of the College.

JOHN T. KIRKLAND, *per order.*

Voted, That the Report be accepted.

[Records, Vol. V., page 260.]

XI.

At a Meeting of the Overseers, 1822, *May* 7.

Voted, That, in addition to the usual notifications of the meetings of the Board of Overseers, it shall be the duty of the Secretary to publish notifications thereof in at least two of the newspapers printed in Boston; and such notifications shall be published at least seven days previous to such meetings, except in those cases in which the urgency of the business to be transacted shall require a shorter notice.

[Records, Vol. VII., page 443.]

XII.

At a Meeting of the Overseers, 1825, *January* 21.

The following standing rules were unanimously adopted.

1st. That the semi-annual meetings of this Board shall hereafter be holden in Boston, on the second Thursday of each of the regular sessions of the Legislature, and, with the permission of the Senate, in the Senate-Chamber.

2d. That, in addition to the Reports now required, there shall be laid before the Board, at its meeting in January, a statement of the expenses of the Institution during the preceding College year, and an estimate of its expenses for the next year.

3d. That no election of a member of this Board

shall be made, nor shall the appointment of any member of the Corporation, or of a permanent Professor, be ratified by this Board, excepting at a meeting holden in Boston during some session of the Legislature.

[Records, Vol. VII., page 92.]

XIII.

At a Meeting of the Overseers, 1825, *June* 10.

Voted, That at future meetings of the Overseers, during the session of the General Court, the Secretary be required to send notices to the Governor, asking him to invite the attendance of the Honorable Council; to the Lieutenant-Governor; to the President of the Senate, asking him to invite the attendance of the Honorable Senate; to the Speaker of the House of Representatives, and to the permanent Members of the Board who are not of the Council or Senate.

[Records, Vol. VII., page 233.]

XIV.

At a Meeting of the Overseers, 1832, *February* 23.

The Committee of the Board of Overseers of Harvard College, appointed on the 12th of January last, to inquire whether any, and, if any, what modifications of the standing rules it may be expedient to make, respectfully report the following Rules and Orders, which they recommend for the consideration and adoption of the Board.

Submitted by order of the Committee.

JOSIAH QUINCY, *Chairman.*

1st. The annual meeting of this Board shall be hereafter holden in Boston, on the second Thursday *

* Afterwards altered to the third Thursday. See p. 12.

of each of the regular sessions of the Legislature; and, with the permission of the Senate, in the Senate-Chamber.

2d. There shall be laid before the Board at this meeting, by the President, a statement, authenticated by the Treasurer, of the expenses of the Institution during the past College year, and an estimate of its expenses for the current year.

3d. There shall be appointed, at every annual meeting of the Board in January, three general and six special Committees. *The General Committees* shall be as follows: —

(1.) A Visiting Committee, to consist of twelve members, of which the Governor, Lieutenant-Governor, President of the Senate, and Speaker of the House of Representatives shall be *ex officio* members; and the remaining eight shall be chosen, two from the Council, two from the Senate, two from the clerical, and two from the lay elective members of the Board.

The duty of this Committee shall be to visit the University, at the Spring Exhibition on the first Tuesday of May, and at the Autumn Exhibition on the third Tuesday of October, to inquire into its state, to consider what may tend to increase its reputation and usefulness, and to nominate suitable persons to receive the incomes of Madam Mary Saltonstall's and Mrs. Joanna Alford's legacies, and to report at the annual meeting in the succeeding January.

(2.) A Committee to visit the Library, the Philosophical Apparatus, the Medical, Chemical, and Anatomical departments, and to report at the next annual meeting; to consist of at least *nine* members.

(3.) A Committee on the Treasurer's accounts, to consist of at least *three* members.

The Special Committees shall be as follows : —

(1.) A Committee to examine the Students in Latin, Greek, and Hebrew ; to consist of at least *five* members.

(2.) A Committee to examine the Students in Modern Languages, to consist of at least *five* members.

(3.) A Committee to examine the Students in Grammar, Rhetoric, and the Philosophy of Language, to consist of at least *six* members.

(4.) A Committee to examine the Students in Mathematics, Natural Philosophy, and Astronomy, to consist of at least *six* members.

(5.) A Committee to examine the Students in Chemistry and Natural History, to consist of at least *six* members.

(6.) A Committee to examine the Students in Intellectual and Moral Philosophy, to consist of at least *six* members.

After mature consideration, and a few alterations and amendments, the Report, as above recorded, was accepted.

[Records, Vol. VIII., page 105.]

XV.

At a Meeting of the Overseers, 1835, *January* 15.

The Committee appointed on the 13th of February, 1834, to inquire into the expediency of making further provision by By-law for calling special meetings of this Board, *Report* the following By-law : —

Special meetings of the Board shall be called by

the Secretary, upon application made to him, in writing, by the President and Fellows, or by nine or more members of the Board, setting forth the time, place, and objects of such meeting. And the Secretary, upon the receipt of such application, shall, seven days at least before the time of such meeting, deliver or send to each member of the Board a written or printed notice thereof, expressing the time, place, and objects of such meeting. *Provided*, that during the session of the General Court such notice being delivered or sent as aforesaid to the Governor and President of the Senate, with a request that the same be communicated by them to the Council and Senate respectively, shall be deemed sufficient notice to the members of those bodies. *And provided, further*, that, in cases of great urgency, notices for such meetings shall be sufficient, if delivered or sent as aforesaid, three days before any such meeting. And all former By-laws for calling and notifying special meetings of the Board are hereby repealed.

IRA BARTON,
SAM. P. P. FAY,
JAS. SAVAGE,
A. H. EVERETT,
BENJ. SHELDON,
CHAS. LOWELL,
} *Committee.*

December 29, 1834.

January 15, 1835. Read and accepted.

Attest. JOHN PIERCE, *Secretary.*

XVI.

At a Meeting of the Overseers of Harvard University, 1835, *February* 5.

Voted, That no election of a member of this Board shall be made, except at the annual meeting in January, or at an adjournment of that meeting to a time within the same session of the Legislature. For this purpose, whenever any vacancy shall occur in this Board by death, resignation, or otherwise, notice shall be given thereof by the Secretary of the Board, at the first meeting next succeeding the occurrence of such vacancy; and thereupon a Nomination List shall be opened, upon which any member of the Board may write the name of any person, whom he may wish to fill such vacancy. And no election shall be made of any person to fill such vacancy, until fourteen days after notice of such vacancy has been given, as aforesaid.

At a Meeting of the Overseers, 1837, *February* 2.

Voted, That the annual meeting of this Board be on the third Thursday in the Winter session of the General Court, instead of the second Thursday as heretofore.

RULES AND STATUTES

OF THE

PROFESSORSHIPS IN THE UNIVERSITY

AT

CAMBRIDGE.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.
1846.

CONTENTS.

PAGE

Hollis Professor of Divinity 1

Hollis Professor of Mathematics and Natural Philosophy . . 3

Hancock Professor of Hebrew and other Oriental Languages . 7

The Massachusetts Professorship of Natural History . . 10

Boylston Professorship of Rhetoric and Oratory 19

Eliot Professorship of Greek Literature 25

Dexter Lecturer on Biblical Literature 28

Royall Professorship of Law 34

Smith Professorship of the French and Spanish Languages and Literature, and Professorship of Belles Lettres 38

Rumford Professorship and Lecturer on the Application of the Sciences to the Useful Arts 40

Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity 43

Parkman Professorship of Pulpit Eloquence and the Pastoral Care 46

Dane Professorship of Law 48

Medical Statutes 51

Fisher Professorship of Natural History 54

Professorship of the Principles of Surgery and Clinical Surgery . 55

McLean Professorship of Ancient and Modern History . . 56

APPENDIX 61

FOUNDATIONS AND STATUTES.

HOLLIS PROFESSOR OF DIVINITY.

Rules, Orders, and Statutes relating to the Professor of Divinity in Harvard College, at Cambridge, in New England.

1. That the Professor be a Master of Arts, and in communion with some Christian church of one of the three denominations, Congregational, Presbyterian, or Baptist.

2. That his province be to instruct the students in the several parts of Theology by reading a system of Positive, and a course of Controversial Divinity, beginning always with a short prayer.

3. That the said Professor read his private lectures of positive and controversial Divinity so many times in the week as shall finish both courses within the term of one year.

4. That the Professor read publicly, once a week, upon Divinity, either positive, controversial, or casuistical; and as often upon Church History, Critical Exposition of Scripture, or Jewish Antiquities, as the Corporation, with the approbation of the Overseers, shall judge fit, always times of vacation excepted.

5. That the Professor set apart two or three hours one afternoon in the week, to answer such questions of the stu-

dents who shall apply to him as refer to the system, or controversies of religion, or cases of conscience, or the seeming contradictions in Scripture.

6. That the Professor of Divinity, while in the office, shall not be a tutor in any other science, or obliged to any other attendance in the College than the above-mentioned public and private Lectures.

7. That the Professor read his private lectures to such only as are, at least, of two years' standing in the College.

8. That, an honorable salary being provided for the Professor, it is expected that he require no fee from any of the students for their instruction.

9. That the said Professor be chosen by the Reverend President and Fellows of the College, or the major part of them, for the time being, and be presented by them, when chosen, to the Honorable and Reverend Overseers, to be by them approved and confirmed in his place.

10. That the said Professor be, at all times, under the inspection of the Reverend President and Fellows, and of the Honorable and Reverend Overseers for the time, to be by the said President and Fellows, or the major part of them, displaced for any just and valuable cause, the Honorable and Reverend Overseers also, or the major part of them, consenting thereunto, but not else.

11. That the person, chosen from time to time to be a Professor, be a man of solid learning in Divinity, of sound or orthodox principles, one who is well gifted to teach, of a sober and pious life, and of a grave conversation.

The Plan, or Form, for the Professor of Divinity to agree to at his Inauguration.

That he repeat his oaths to the civil government; that he declare it as his belief, that the Scriptures of the Old and New Testament are the only perfect rule of faith and manners; and that he promise to explain and open the Scriptures to his pupils with integrity and faithfulness, according to the

best light that God shall give him. That he promise to promote true piety and godliness by his example and instruction; that he consult the good of the College, and the peace of the churches of our Lord Jesus Christ, on all occasions; and that he religiously observe the statutes of his founder, and all such other statutes and orders, as shall be made by the College, not repugnant thereunto.

Signed and sealed the tenth day of January, in the ninth year of the reign of King George, 1722.

THOMAS HOLLIS. [L. S.]

Witness, Jeremiah Hunt, Edward Wallin, John Hollis, Joshua Winslow, John Osborn, Daniel Neal, William Harris.

December 15th, 1804. It was voted, "That it shall be the duty of the Hollis Professor of Divinity to preach, and to perform other divine services in the Chapel, before the Officers, Graduates, and Undergraduates, on the Lord's Day, forenoon and afternoon, whenever the same shall be hereafter required by the Corporation and Overseers."

HOLLIS PROFESSOR OF MATHEMATICS AND NATURAL PHILOSOPHY.

Rules and Orders relating to a Professor of Mathematics, and of Natural and Experimental Philosophy, in Harvard College, in Cambridge, in New England, appointed by Mr. Thomas Hollis of London, Merchant.

1. That the Professor be a Master of Arts, and well acquainted with the several parts of the Mathematics and of Natural and Experimental Philosophy.

2. That his province be to instruct the students in a system

of Natural, and a course of Experimental Philosophy, in which to be comprehended Pneumatics, Hydrostatics, Mechanics, Statics, Optics, &c.; and in the elements of Geometry, together with the doctrine of Proportions, the principles of Algebra, Conic Sections, Plane and Spherical Trigonometry, with the general principles of Mensurations, Planes, and Solids ; in the principles of Astronomy and Geography, namely, the doctrine of the Sphere, the use of the Globes, the Motions of the Heavenly Bodies, according to the different hypotheses of Ptolemy, Tycho Brahe, and Copernicus ; with the general principles of Dialling, the division of the world into its various kingdoms, with the use of the Maps, &c.

3. That the Professor shall read once a week, and, whenever the Corporation with the approbation of the Overseers shall require it, twice a week (times of vacation excepted), publicly, in the hall, to all students that will attend, on such topics relating to the science of the Mathematics, Natural or Experimental Philosophy, as he shall judge most necessary and useful, but always distinct or different from his private lectures.

4. That the said Professor shall read his private lectures on the several parts of the Mathematics, Natural and Experimental Philosophy, so many times in the week as to finish each science that he begins within the compass of a year, and to go through the whole in two years. But the course of Philosophical Experiments shall be repeated at least once every year.

5. That the said Professor, while in that office, shall not be a tutor in any other science, nor take on him the pastoral office in any church, nor be obliged to any other attendance in the College than the above-mentioned public and private lectures.

6. That whereas I have ordered and do appoint a salary of eighty pounds per annum to be duly paid to the said Professor, he shall be obliged to take no fee or reward from any of the students that have been or shall be on my foundation

for the study of Divinity; but for other students of the College that desire his instructions, he may receive a fee as the Corporation shall direct, with the approbation of the Overseers, not exceeding forty shillings per annum.

7. That the Professor shall set apart two or three hours in every week to converse with his pupils, and endeavour to clear such difficulties as lie upon their minds relating to the several parts of the Mathematics, Natural and Experimental Philosophy, of which he is Professor.

8. That the said Professor shall in all times to come be chosen by the Reverend the President and Fellows of Harvard College for the time being, and shall be presented to the Honourable and Reverend Overseers of the College, to be approved by them, and then shall be jointly recommended by them to me for my confirmation during my life, and after my decease to such person as I shall appoint by my last will under my hand and seal during the term of his life; also,

9. That the said Professor shall at all times be under the care and inspection of the Reverend the President and Fellows of Harvard College, with the Honorable and Reverend Overseers of the College, for the time being, but shall not be displaced by them during his capacity for service, except for some just and valuable cause.

10. Upon the death or removal of a Professor, the Corporation shall be obliged to fill up the vacancy within twelve months; and in case of default, the nomination and choice shall for that time be in the Overseers, to be confirmed by me during my life, and by my executor after me; and in case they shall not fill up the vacancy in one year more, I then will bequeath and appoint the principal and produce of this estate to return to my executor.

11. On the day of inauguration the Professor shall take the oaths to the civil government as appointed by the law, in the presence of the Reverend the President and Fellows of the College, and the Honorable and Reverend Overseers thereof, in the public hall.

12. At the same time and place, and in the same presence, he shall declare himself to be of the Protestant Reformed religion, as it is now professed and practised by the churches in New England, commonly distinguished by the name of Congregational, Presbyterian, or Baptist, and that he will comply with the same.

13. He shall promise to discharge the trust now reposed in him with diligence and fidelity, and to the advantage of the students; that he will not only endeavour the advancement of true learning, but consult the good of the College in every other respect; that he will promote true piety and godliness by his own example and encouragement, and will religiously observe the statutes of his founder.

And lastly, I order and appoint ten pounds per annum to the Treasurer for the time being, for his care and pains in keeping the accounts and drawing out a balance every audit day of the College, to be sent to me and to my next and immediate successor annually, the Corporation being duly notified who the said successor is. To all which orders and appointments, above written, being designed and solemnly dedicated and devoted by me to the glory of God, by improving the minds of men in useful knowledge, I set my hand and seal this eighteenth day of January, one thousand seven hundred and twenty-six.

THOMAS HOLLIS. [L. S.]

Signed, sealed, and delivered
in presence of us,
John Hollis, *Joshua Hollis*,
Richard Solly, *John Williams*.

HANCOCK PROFESSOR OF HEBREW AND OTHER ORIENTAL LANGUAGES.

Copy of a Legacy left by the late Hon. Thomas Hancock, Esq., of Boston, in his Will, to Harvard College, A. D. 1765.

I GIVE unto the President and Fellows of Harvard College, in Cambridge, the sum of one thousand pounds sterling, and order that the whole income be applied to the support and maintenance of some person, who shall be elected by the President and Fellows, with the approbation and consent of the Overseers, to profess and teach the Oriental Languages, especially the Hebrew, in said College.

The Professor who shall receive the benefit of the donation shall discharge the duties of his profession and office in such manner, and according to such rules and orders, as shall be appointed and established by the President and Fellows, with the consent of the Overseers ; and previous to his induction into this office, he shall declare himself to be of the Protestant Reformed religion, as it is now professed and practised by the churches in New England. The said Professor shall also be removed from his office at the discretion of the President and Fellows, and Overseers of said College, for the time being ; inasmuch as I fully rely on their wisdom and integrity, that this will never be done without some very good and sufficient reason.

And it is my will, that, as soon as may be after my decease, as also after the decease or removal of any Professor upon this foundation, the President and Fellows proceed to the choice of some person to this office and trust, to be by them presented to the Overseers for their approbation and consent. But if the Overseers shall apprehend any unreasonable delay in this matter, in that case they may proceed by themselves to the appointment of a Professor.

It is also my will, that all the income of this donation, during

the time the Professorship may be necessarily and unavoidably vacant, shall be added to the capital sum, for the better support and encouragement of succeeding Professors.

JUNE 12, 1765.

Statutes, Rules, and Orders relating to the Hancock Professor of Hebrew and other Oriental Languages in Harvard College, in Cambridge.

1. The Professor shall be a Master of Arts, and sufficiently acquainted with those languages which he is to teach, especially the Hebrew.

2. That his province be to instruct the students in the Oriental languages, especially in the Hebrew and Chaldee, being the language in which the Holy Scriptures of the Old Testament were written.

3. That the Professor shall read once a week (times of vacation excepted) publicly in the chapel, on such topics relating to the languages aforesaid as he shall judge most necessary and useful. In which public lectures he shall explain the peculiar genius and idiom of these languages, together with their characteristic differences from one another and from the Occidental languages; and shall intersperse such curious and critical remarks as may occur, tending to illustrate the oracles of God.

4. The said Professor shall also have private lectures, at such times as the Corporation with the consent of the Overseers shall appoint, in which he shall lead his pupils into the knowledge of these languages in a more familiar way, and shall endeavour to clear such difficulties as may lie upon their minds relating to them.

5. The said Professor shall set apart two or three hours in every week to instruct such of his pupils as shall desire it in a more private way in the other Oriental languages, besides those above specified, namely, the Samaritan, the Syriac, and the Arabic.

6. The said Professor, while in that office, shall not take on him the pastoral office in any church, nor follow any other employment that shall interfere with his profession, nor be obliged to any other attendance in the College than the above-mentioned public and private lectures.

7. The said Professor shall always be elected by the President and Fellows, with the approbation and consent of the Overseers; and shall at all times be under the care and inspection of the President and Fellows, with the Overseers; and shall also be removed from his office, at the discretion of the President and Fellows and Overseers of said College for the time being; but this shall never be done without some very good and sufficient reason.

8. After the decease or removal of any Professor upon this foundation, the President and Fellows shall proceed, as soon as may be, to the choice of some person to this office and trust, to be by them presented to the Overseers for their approbation and consent. But if the Overseers shall apprehend any unreasonable delay in this matter, in that case they may proceed by themselves to the appointment of a Professor.

9. On the day of inauguration of said Professor, and previous to his induction into his office, he shall publicly, in the presence of the Reverend the President and Fellows, and of the Honorable and Reverend Overseers (according to the express will of his founder), declare himself to be of the Protestant Reformed religion, as it is now professed and practised in the churches of New England.

10. At the same time, and in the same presence, he shall promise to discharge the trust now reposed in him with diligence and fidelity, and to the advantage of the students; and that he will not only endeavour the advancement of their learning, but consult the good of the College in every other respect; and that he will promote true piety and godliness by his own example and encouragement.

11. Lastly. The above statutes shall be subject to such alterations and additions, from time to time (consistent with

the will of the founder), as the Corporation, with the consent of the Overseers, shall see cause to make.

At a Meeting of the President and Fellows of Harvard College, September 27, 1785,

Voted, That the following addition be made to article fourth of the original Statutes, Rules, and Orders respecting the Hancock Professor of the Hebrew and other Oriental Languages, namely : —

But as some parents or guardians may not wish their sons or wards to pursue these languages, the attendance of those students who are minors upon these private lectures shall be dispensed with, upon their producing to the President a certificate, from their parents or guardians, desiring a dispensation. Those students who are twenty-one years of age may have such a dispensation, upon their own application to the President. And as there may be many of the students who will have a dispensation from attending the private lectures of said Professor in the Oriental languages, which will lighten his service ; and as he receives a considerable part of his support from the College, the money arising from the foundation not being sufficient for the purpose, he shall teach the students the general principles of grammar, and shall instruct them in the knowledge of the English grammar in particular, and in English composition, in such a way, and at such times, as the Corporation, with the consent of the Overseers, shall hereafter direct.

THE MASSACHUSETTS PROFESSORSHIP OF NATURAL HISTORY.

At a meeting of the Society of Subscribers to a Fund for the establishment of a *Professorship of Natural History*, holden at the hall of the Union Bank, in Boston, on Wednesday, the

27th day of March, in the year of our Lord one thousand eight hundred and five, at eleven of the clock in the forenoon, the foundation of the Professorship herein after mentioned, and the following rules and principles, by which it should be regulated and conducted, were agreed upon.

CHAPTER I.

The Foundation of the Professorship.

A Professorship of Natural History shall be founded at Harvard College, in Cambridge; and the Professor shall be styled, "*The Massachusetts Professor of Natural History*":— Provided, that if any person shall become a munificent patron of the said Professorship, by liberally endowing the same, it shall be in the power of the President and Fellows of Harvard College to name the Professor after such benefactor.

CHAPTER II.

The Election of the Professor.

1. The first Professor shall be chosen by the greater part of the subscribers aforesaid, present at a meeting to be called for that purpose.

2. The successors of the first Professor shall be elected by the President and Fellows, and the election be approved by the Overseers of Harvard College, in the same manner as other Professors of the College are chosen. And every Professor so to be elected shall be a Master of Arts, of the Christian Protestant religion, and of good moral character.

3. When, after the election of the first Professor, there shall be a vacancy in the office, if a successor shall not be appointed in manner aforesaid, and introduced into the office within six calendar months after the Corporation shall have been requested by the Visiters to fill such vacancy, then the Visiters of the said

Professorship shall have power to fill such vacancy by the election of a Professor.

4. The Professor, after his election, and before he enter on the execution of the duties of his office, shall make and subscribe, before the President and Fellows of Harvard College, a declaration similar to the declarations required from the Medical Professors. *Provided*, *however*, that the declaration to be subscribed by the Professor of Natural History shall contain nothing repugnant to the rules and principles of this institution herein declared, nor to the laws of the land.

5. The Professor shall hold his office so long as he shall discharge the duties thereof, and behave well. And he may be removed from the office by the Visiters of the Professorship, either for misbehaviour, or incapacity to discharge the duties thereof, according to the discretion of the Visiters. But the President and Fellows of Harvard College may suspend the said Professor from all the powers and duties of his office, for neglect of his duties to the College required by this foundation, or inability to discharge the same, or for immoral behaviour, which suspension shall continue in full force, until he be restored or removed by the Visiters.

6. When a Professor shall be removed from the office for incapacity, arising after his election, and from no fault of his own, the Visiters may make such provision for his future support as may be consistent with the state and magnitude of the funds of the Professorship.

CHAPTER III.

Of the Duties of the Professor.

1. It shall be the duty of the Professor to form a *Botanic Garden* on the grounds that shall be provided for that purpose, which shall contain all the plants that may be procured, and may be capable of preservation therein, including all the indigenous plants of the country, foreign plants which have been or

which may be naturalized here, and all other exotic plants whatever useful for the purposes of this institution. And the Professor shall superintend the Botanic Garden, and the preservation and growth of the plants therein, subject to such rules and regulations as may, from time to time, be prescribed by the Visiters.

2. The Professor shall read lectures on Botany and Entomology to such of the students of Harvard College as may be inclined to attend thereon, at such times, under such regulations, and for such gratuities, as shall be directed by the President and Fellows of the said College, the gratuities to be assessed in the quarter bills of the students so attending, and when received, to be paid over to the Professor. And the Professor, in his lectures, shall exhibit all the plants necessary to the due illustration of the subject. *Provided*, *however*, that those students of Harvard College who are sons of any of the subscribers aforesaid shall be entitled to attend on the said lectures gratis, agreeably to the terms of the original subscription.

3. The Professor, with the assent of the Visiters, and under such regulations as they may prescribe, may read lectures on Botany and Entomology to such other persons as may request to attend on the same, for such gratuities as the Visiters and Professor may determine ; provided that the said regulations be not repugnant to the regulations which may be prescribed by the President and Fellows of Harvard College for the government of the students in their attendance on the Professor. And provided further, that the immediate government of the College may exclude any person from the privilege of attending on the lectures of the Professor whom they shall declare to have insulted the authority of the College, or to have violated the laws of the College made for the government of the students.

4. The Professor, either personally or by some assistant by him appointed, and approved by the Visiters and by the President and Fellows of Harvard College, shall attend on all

persons who may desire to view the Botanic Garden, and inspect the plants therein preserved, at such times, under such regulations, and for such perquisites, as the Visiters, from time to time, shall direct. *Provided*, that no perquisite be exacted from any of the subscribers aforesaid, nor from any of the Overseers, or of the Corporation, or of the immediate governors or instructers of Harvard College. *Provided*, also, that no undergraduate of the College be admitted into the garden but at such hours, and for such length of time, as shall be allowed by the government of the said College.

5. The Professor shall collect all specimens in Mineralogy for which he may have convenient opportunity ; and after arranging them, he shall deposit them in the Cabinet of Mineralogy belonging to the Corporation of Harvard College, for the use of the University of Cambridge.

6. The President and Fellows of Harvard College, with the assent of the Visiters of the Professorship, may enjoin upon the Professor the duty of instructing the students of the College in such other branches of Natural History as may be found from experience consistent with his faithful discharge of all the duties already above enjoined on him. And such further instruction shall be given at such times, under such regulations, and for such gratuities, as the said President and Fellows shall prescribe. And such gratuities shall be assessed and paid over in the same manner as the gratuities for attending on the Lectures on Botany and Entomology.

CHAPTER IV.

Of the Funds of the Professorship.

1. All the real estate, to be purchased for the foundation of the said Professorship, shall be vested in the President and Fellows of Harvard College, upon the special trust and confidence, that the Professor of Natural History, for the time being, shall have the use and occupation of the same, for his

habitation, and for the Botanic Garden, and for such other uses as may be connected therewith.

2. All the personal property which may belong to the said foundation shall be vested in the President and Fellows of Harvard College, but upon such trusts, and for such uses, as shall, from time to time, be directed by the Visiters of the said Professorship.

3. Whenever there may be growing, in the Botanic Garden, plants of any description, which may be taken from the Garden without any prejudice to the end and design of the Professorship, such plants may be sold, under such regulations, and for such prices, as the Visiters may direct; and the profits arising from the inspection or sale of the plants shall form a part of the personal funds of the said Professorship.

4. The Treasurer of Harvard College shall pay over the rents, issues, and profits of the said estate, real and personal, which he may receive, and also the principal of the said personal estate, to the order of the Visiters of the said Professorship, with whom he shall account, as often as they shall direct. And the Treasurer shall be entitled to such compensation for managing and taking care of the personal property of the said Professorship, intrusted to him, as shall be determined by the President and Fellows of Harvard College.

5. The money raised by the subscribers aforesaid shall be paid over to the Treasurer of Harvard College, for the uses and upon the trusts aforesaid; reserving, however, in the hands of the said subscribers, or in the hands of their own Treasurer, so much of the said money as they may think proper for the purchase of real estate for the said Professorship.

6. All moneys paid to the Treasurer of Harvard College shall be put at interest in the name of the President and Fellows of the said College, but for the uses and upon the trusts aforesaid, by vesting the same in the public funds of this State, or of the United States of America, or in the stock of some bank legally incorporated, at his discretion, unless he receive directions concerning the same from the Visiters of the Pro-

fessorship, to which directions it shall be his duty in all things to conform.

CHAPTER V.

Of the Visiters of the Professorship.

1. The Trustees of the Massachusetts Society for promoting Agriculture, together with the President of Harvard College, the President of the American Academy of Arts and Sciences, and the President of the Massachusetts Medical Society, or the greater part of them, shall be the Visiters of the said Professorship, with all the powers and duties in the said Visiters above vested, and on them enjoined. *Provided*, that if the Massachusetts Society for promoting Agriculture shall, at any time, have more than twelve Trustees, then the said Trustees shall elect, out of their own body, twelve, who, together with the three Presidents aforesaid, shall be the Visiters of the said Professorship.

2. And further, the Visiters shall have full power to cause a dwelling-house for the Professor, and such other buildings to be erected, such utensils and materials to be purchased, and such laborers to be employed, as, in their judgment, may be fit and reasonable, — to cause the real estate to be kept in repair, — to prevent any waste or loss in the personal estate, — to see that the Botanic Garden be supplied with the necessary plants, and be duly cultured, — to take care that the duties of the Professor, and of those employed under him, be intelligently and faithfully discharged, — to fix the salary and the emoluments of the Professor, and of any assistant he may have, — and generally to make, and cause to be executed, all such rules and regulations as in their judgment will render the said Professorship most useful in promoting the interests of the University of Cambridge, and the arts and agriculture of the State, and for the better qualification of the Professor for discharging the duties of his office; so that such rules and regulations be

not repugnant to the rules and principles herein agreed upon, nor to the charter of Harvard College, nor to the laws of the land.

3. The Visiters may make all such appropriation of the funds of the Professorship, including both principal and interest, as, in their judgment, may be necessary for the due execution of the powers with which they are herein vested.

4. If, at any time, the funds of the said Professorship should be more than sufficient for all the purposes aforesaid, and there should remain any moneys unappropriated, the Visiters may appropriate so much of the moneys so remaining as they may think proper, for the forming or enlarging a cabinet or cabinets of Natural History, for the use of the University of Cambridge, to be connected with the said Professorship, according to the duties that are or may be enjoined on the Professor ; — or the said Visiters may appropriate so much of the moneys so remaining as they may think proper towards the compensation of any other Professor of Harvard College, to whom may be intrusted, by the President and Fellows of the said College, the right of teaching any branch of Natural History not specially provided for in this institution, if such appropriation, in the judgment of the Visiters, shall be more useful in diffusing the knowledge of Natural History.

5. The Visiters may constitute one or more committees, selected from themselves, or elsewhere, with authority to execute such of the powers vested in the Visiters as they may judge will be most convenient for the due execution of the great variety of important trusts reposed in them. *Provided*, that the removal of the Professor from his office, or the fixing his salary and perquisites, by any committee, be not valid, until the same be ratified by the Board of Visiters.

6. The Trustees of the Massachusetts Society for promoting Agriculture, or the greater part of them, shall call the first meeting of the Visiters, in such manner, and at such time and place, as they shall determine, at which first meeting the greater part of the Visiters then present may agree upon the method

of notifying future meetings, which method they may from time to time alter. And at any meeting of the Visiters duly notified (provided five at least be present) the act of the greater part present shall be deemed the act of the Visiters.

7. To prevent any failure of Visiters of the said Professorship, it is agreed, that if the Trustees of the Massachusetts Society for promoting Agriculture, who may be Visiters as aforesaid, or the greater part of them, should, after accepting the trust aforesaid, decline the further execution thereof, either expressly, or by unreasonably neglecting the same, such neglect being declared by the greater part of the Justices of the Supreme Judicial Court, upon complaint made by the President and Fellows of Harvard College; then the said President and Fellows, together with the President of the American Academy of Arts and Sciences, and the President of the Massachusetts Medical Society, or the greater part of them, shall be the Visiters of the said Professorship, with all the powers above defined and to the Visiters granted.

8. Whereas some alterations and amendments may from experience be found necessary for more effectually promoting the true design of this Institution, it is therefore agreed, that all such alterations and amendments to this foundation which shall hereafter be agreed upon by the President and Fellows of Harvard College and the Visiters aforesaid, for the more successful cultivation of the science of Natural History, and which shall be approved by the Overseers of Harvard College, and the President and Council of the American Academy of Arts and Sciences, shall have the same force and effect as if part of the original foundation.

BOYLSTON PROFESSORSHIP OF RHETORIC AND ORATORY.

An Extract from the Will of Nicholas Boylston, Esq.

I GIVE and bequeath unto the President and Fellows of Harvard College, in Cambridge, in the county of Middlesex, the sum of one thousand five hundred pounds, lawful money, and order that the same be put out at interest on good security, and that the whole income and interest thereof be forever applied to the support and maintenance of some well qualified person, who shall be elected by the President and Fellows of said College for the time being, and approved of by the Overseers of said College, to be the Professor of Rhetoric and Oratory, who shall receive the whole benefit or income of this donation if he discharges the duties of his profession and office, according to such rules and directions as shall be appointed and established by said President and Fellows, with the consent of the said Overseers of said College. And I direct that such Professor shall be removed by the President and Fellows, with the consent of the Overseers, in case he shall be guilty of any immoralities, or in their judgment not qualified for such a place. And it is my will, that, as soon as may be after my decease, (or upon the removal of any such Professor upon this foundation,) the said President and Fellows proceed to the choice of some proper person for the office and trust, he to be approved of and confirmed by the said Overseers; and if said Overseers shall apprehend any unreasonable delay by the President and Fellows in this matter, in such case I hereby empower them to proceed by themselves in the choice and appointment of a suitable, well qualified person aforesaid. It is also my will, that all the income of this donation during the time the Professorship may be necessarily vacant, shall be added to the capital sum, for the better support and encouragement of succeeding Professors; and I order my executors to pay the aforesaid

sum of one thousand five hundred pounds to the Treasurer of said College within six months after my decease.

(Paid February 11, 1772.)

Rules, Directions, and Statutes of the Boylston Professorship of Rhetoric and Oratory in Harvard College, April 30th, 1804.

1. The Professor, placed on the foundation laid by Nicholas Boylston, late of Boston, Esquire, for the support of a Professor of Rhetoric and Oratory, shall be called the Boylston Professor of Rhetoric and Oratory.

2. The said Professor shall be a Master of Arts ; a believer in the Christian religion ; support the character of a learned, honest, and pious man ; and be well qualified for the duties of his office.

3. The said Professor, on the day of his inauguration, shall, in the presence of the President, Fellows, and Overseers of the said College, publicly make and subscribe a declaration, that he believes the Scriptures of the Old and New Testament are of divine original, that they contain the only perfect rule of faith and manners, and that Jesus of Nazareth was the true Messiah and Son of God ; that he is of the Protestant Reformed religion, as professed by the churches in New England ; that with diligence and fidelity he will discharge the duties of his office, agreeably to the will of his founder ; that he will also labor to advance the interests of general science and literature ; that by his example, as well as otherwise, he will endeavour to encourage and promote true piety, and all the Christian virtues ; that he will at all times consult the good of his pupils and of the College in every respect ; and that he will religiously observe, not only the will of his founder and these statutes, but such other statutes and laws as are, or may be, made by the College legislature, not repugnant thereunto.

4. It shall be the duty of the said Professor to instruct the students of the several classes in the nature, excellence, and acquisition of the important art of Rhetoric in its most extended and comprehensive sense ; or in the theory and practice of writing and speaking well ; that is, with method, elegance, harmony, dignity, and energy. This instruction shall be given both in public and private lectures.

5. In his private lectures he shall not only develope to his pupils, in a familiar manner, the principles and rules of his art ; but it shall be his particular care to aid their application of them in practice, in suitable exercises, assigned by him for this purpose. To this end he shall, in term time, give two lectures a week to the class of Freshmen ; in one of which he shall instruct them from some rhetorical treatise in Latin or Greek, as Cicero de Oratore, Aristotle's Rhetoric, Longinus on the Sublime, or some other celebrated ancient treatise on oratory, assigned portions of which they shall recite or render to him in English ; and in the other he shall, by precept and example, instruct and exercise them in the arts of reading and speaking with propriety. To the Sophomores, also, he shall give two lectures a week ; in the first of which he shall instruct them from some well approved rhetorical text-book in English, marked portions of which they shall recite to him *memoriter ;* and in the second he shall intruct them in speaking and composition alternately ; that is, once in a fortnight, he shall improve their speaking by remarks on dialogues, speeches, declamations, &c., delivered by them in his presence ; and, once in a fortnight, during the first part of the year, he shall inspect and correct their written translations of elegant passages of Latin or Greek, assigned by him for this purpose ; and in the latter part of the year, specimens of their own compositions as their progress in letters may permit. To the Juniors he shall give a lecture, once in a fortnight, for the purpose of forming their style, alternately correcting their compositions, and instructing them from the text-book, as before, till that be finished ; after which, they shall exhibit compositions of their

own every fortnight. To the Seniors he shall also give one lecture in a fortnight, for the purpose of cultivating a correct and refined taste in style, pointing out the good and bad qualities and peculiar features of the compositions, which are to be required thus frequently for this important end.

6. The said Professor shall also in term time read a course of public lectures, one at least every week, to the resident graduates, and to the two senior classes of undergraduates; in which, after giving a brief account of the rise and progress of Oratory among the ancients, and a biographical sketch of some of their most celebrated orators, he shall explain its nature, objects, and several kinds; show its connection with all the powers of the mind, natural and acquired; and then divide it into its constituent parts, — *Invention*, *Disposition*, *Elocution*, *and Pronunciation*; in lecturing on which he shall make the most useful subdivisions, and discuss the most important articles commonly observed and discussed by eminent writers on Rhetoric and Oratory.

More particularly under the head of *Invention* he shall treat of internal and external topics, the state of a controversy, the different arguments proper to demonstrative, deliberative, and judicial discourses; of the character and address of a finished orator, and of the use and excitation of the passions.

Under the head of *Disposition* he shall treat of the properties and uses of each of the parts of a regular discourse, — such as Introduction, Narration, Proposition, Confirmation, Confutation, and Conclusion; adding suitable remarks on Digression, Transition, and Amplification.

Under the head of *Elocution* he shall first treat generally and largely of Elegance, Composition, and Dignity, and of their respective requisites; and then particularly of the several species of style, as the Low, Middle, Sublime, &c., and of their distinguishing qualities, with respect both to the thoughts and the words, illustrating the same by proper examples; and likewise of the various style of epistles, dialogues, history, poetry, and orations.

Under the head of *Pronunciation* he shall urge the immense importance of a good delivery, and treat particularly of the management of the voice and of gesture; interspersing due cautions against what is awkward or affected, with directions for the attainment of proper action, and incessantly pressing the superior excellence of a natural manner.

Thus far the best precepts may be drawn from the writings of the ancients; but as Christianity has opened a new field to eloquence wholly unknown to them, and differing in so many important respects from what they had explored, additional precepts, as well as a new application of old ones, are become necessary. Therefore, not only on account of the different but infinitely superior nature and object of sacred eloquence, the Professor will not only accommodate the principles and precepts on ancient rhetoric to this new species of oration, but also prescribe the special additional precepts to be observed in composing sermons, pointing out the qualities in the speaker, in his style, and in his delivery, indispensably requisite to form an accomplished pulpit orator.

He shall also discourse on the various methods of improving in eloquence, as reading, writing, speaking, imitation, &c., together with the means of strengthening the memory; not forgetting to enforce the favorite maxim of the ancient rhetoricians, — "*Non posse oratorem esse, nisi virum bonum.*"

In addition to the preceding subjects, either in distinct lectures, or as opportunity may present during his course, he shall examine and compare the properties of ancient and modern languages, particularly of the English, with reference to composition; he shall also delineate the characteristic features of the most celebrated Greek, Roman, and English historians, orators, poets, and divines, pointing out some of their numerous beauties and excellences in thought and expression; but, above all, let him inspire his pupils with a lively perception and relish of the inimitable simplicity, beauty, and sublimity of the *Sacred Writings*.

7. The said Professor shall preside at the public declamations of the two senior classes; and no declamation, private or public, shall be delivered before him without his previous advice and approbation; and upon each declamation he shall make such remarks, either in public or private, as to him may seem necessary to improve each individual in all the requisites of a good speaker.

8. Previously to each public Exhibition, and especially before the annual Commencement, the said Professor shall, in some large room, privately, hear each student pronounce what he has written, once, at least, for the purpose of correcting errors in delivery, and of encouraging and animating his performance.

9. The aforesaid Rules, Directions, and Statutes shall be ever subject to such alterations, additions, and amendments as experience shall prove to be expedient, and as the President and Fellows of the College, with the Overseers thereof, shall, upon mature consideration, deem necessary to render this institution most extensively and permanently useful, and thus to accomplish the benevolent and patriotic designs of the generous founder.

At a Meeting of the Corporation, May 21, 1806,

Voted, That the third section of the Rules, Directions, and Statutes of the Boylston Professorship of Rhetoric and Oratory be repealed, and that the following be inserted in its stead, namely: —

3. The said Professor, at the time of his inauguration, shall publicly make and subscribe a declaration that he believes the Christian religion, and has a firm persuasion of its truth; that with diligence and fidelity he will discharge the duties of his office agreeably to the will of the founder; that he will also labor to advance the interests of general science and literature; that by his example, as well as otherwise, he will endeavour to encourage and promote true piety, and all the Christian virtues; that he will at all times consult the good of his pupils and

of the College in every respect; and that he will religiously observe the will of the founder and these statutes, excepting so far as the same may be duly repealed, altered, or suspended; and that he will also faithfully observe such other statutes and laws as are or may be made by the Corporation and Overseers relative to said Professorship, and not repugnant to the will of the founder.

4. It shall be the principal duty of said Professor to instruct the students of the several classes in the nature, excellence, and acquisition of the important art of Rhetoric, in its most extended and comprehensive sense; or in the theory and practice of writing and speaking well; that is, with method, elegance, harmony, dignity, and energy. This instruction shall be given both in public and private lectures, as the Corporation shall direct.

ELIOT PROFESSORSHIP OF GREEK LITERATURE.

Rules and Statutes of the Eliot Professorship of Greek Literature in Harvard College.

CHAPTER I.

The Foundation of the Professorship.

The sum given for this purpose shall be managed and invested by the President and Fellows, for the time being, and the income be applied by them for the support of a Professor of the Greek language and of Greek literature in the University at Cambridge, who shall be called "the Professor of Greek Literature"; provided, that the Corporation may give another name to the Professor, but not that of the founder, except with his express consent.

CHAPTER II.

Election of the Professor.

1. The first Professor and his successor shall be elected by the President and Fellows, and the election be approved by the Overseers of Harvard College. The Professor shall be a Master of Arts, of the Christian Protestant religion, and shall bear the character of a learned, pious, and honest man.

2. When, after the election of the first Professor, there shall be a vacancy in the office, a successor shall be appointed and introduced into the office within one year after such vacancy shall happen.

3. The Professor, after his election, and before he enters on the execution of the duties of his office, shall make and subscribe a declaration before the President and Fellows, that he believes in the Christian religion, and has a firm persuasion of its truth, and that he is in principle a Protestant; that he will with diligence and fidelity discharge the duties of his office according to these statutes, and such other statutes and laws as are or may be made by the College legislature, not repugnant thereto; that he will labor to advance the interests of general science and literature; that, by his example, as well as otherwise, he will endeavour to encourage and promote true piety, and all the Christian virtues; and that he will at all times consult the good of his pupils, and of the College in every respect.

4. The Professor shall hold his office by the same tenure, generally, as the other Professors upon foundations; he shall be subject to removal, for any just and sufficient cause, by the President and Fellows, the Overseers consenting thereto; provided, that, in case of the removal of a Professor on this foundation for incapacity arising after his election, and from no fault of his own, the President and Fellows of said College shall have a right to make such provision for his support, not from the fund or income of the Professorship, but out of the unappropriated funds of the College, as they shall see fit.

CHAPTER III.

The Duties of the Professor.

1. It shall be the duty of the Professor to cultivate and promote the knowledge of the Greek Language and of Greek Literature. He shall give public and private lectures, as the Corporation may determine, on the genius, structure, characteristics, and excellences of the Greek language in the purest age of the language, and in the period succeeding, not neglecting the state of it in modern times; on the principal Greek authors, taking notice of the Greek Fathers and ecclesiastical writers; and on the interpretation of the Septuagint Version, and of the Greek New Testament, especially so far as such interpretation may be aided by a knowledge of classical Greek.

2. The Professor shall point out the best course of reading and study for those who would become versed in Grecian literature.

3. To ascertain and promote the improvement of his pupils, the Professor shall statedly or frequently examine them on the topics treated in his public lectures, proposing questions to be answered orally, or in writing, as he shall see fit.

4. The Professor shall give private lectures or exercises to such of the graduates and undergraduates as may come under his care, in which he shall assign portions of Greek authors to be studied by the pupils. In these exercises it will be his duty to explain and illustrate the work under consideration; to observe the sentiments, spirit, style, and general execution; the imagery and rhetorical beauties; that the University may send out alumni who possess a discriminating knowledge of the renowned productions of Grecian authors, and the powers of the Grecian language.

5. The number and order of the lectures and exercises to be given by the Professor, and the description of students, graduates, and undergraduates, who shall receive his instruction, shall be the subjects of particular regulation by the Col-

lege law, from time to time, as occasion may invite or require.

6. It shall be in the power of the President and Fellows of the University to annex to the Greek Professorship aforesaid, any duties not included in the preceding outline; provided, that such duties shall only extend to instruction in the Greek language or Greek literature, or in sacred criticism, so far as it is connected with a knowledge of Greek.

DEXTER LECTURER ON BIBLICAL LITERATURE.

Copy of Samuel Dexter's Will, dated Feb. 12, 1799.

(Value rec'd, 1811.)

Being myself firmly persuaded that if the Christian religion is but well understood it cannot fail of convincing every sincere inquirer of its divine authority; and recent deistical publications, as well as many of a more distant date, rendering it evident that revelation is rejected because some of the historical, doctrinal, or preceptive parts of the Holy Scriptures, or parts of each, are misapprehended by unbelievers; the reading of whose writings tends to shake the faith of such as are unable to detect their mistakes, the difficulties started seeming to many insurmountable, however superficial they really may be, and may appear to be, to persons well acquainted with the original languages; which difficulties would vanish were the passages objected to critically and judiciously rendered and explained, and it being also apparent that the nature and degree of the inspiration attributed, by the most rational Christians, to the sacred writers, are, with respect to some of them at least, wrongly conceived of by the enemies of revealed religion: —

I do, therefore, give and bequeath to the President and Fellows of the University in Cambridge, in this Commonwealth, for the benefit of said University, and the increase of that most

useful branch of learning, the critical knowledge of the Holy Scriptures, the sum of three thousand three hundred thirty and three dollars thirty and three cents and four mills ; to be paid in one year and an half after my decease ; the same to be put out and kept on interest, on good security, both *personal* and *real ;* by which I mean that two responsible persons, at least, shall give bonds, jointly and severally ; and that there shall be executed a deed of mortgage of lands that may, without difficulty, be rented, free from any incumbrance, as collateral security for payment ; which lands shall be of threefold the value of the sum mentioned in the condition of the bond ; and my will is that the interest be applied according to the following directions : —

The first year's interest, and that of other years, as expressed in the sequel, I appropriate to the purchasing, from time to time, for the library of said University, translations of the Bible already published, not yet possessed, or that may be published, translations of the Old and New Testament separately, of any portion or portions of one or the other, learned commentaries and explications, profound remarks, and, in general, of any books or manuscripts, of any country or language, and of whatever description, which may be judged useful in promoting a critical knowledge of the Holy Scriptures, and for forming, by degrees, a complete Biblical apparatus, whereby sacred criticism may be further improved and progressively carried on towards perfection.

It is my desire that the President and Fellows of the University elect three gentlemen of the clergy, and two others, not of that order, to join with the Corporation in the management of the interest that may grow out of this fund, according to the directions already given, and those which are yet to be added. And my will is, that three clerical and two lay gentlemen be at all times associated with the Corporation for this purpose ; which is to be understood as a matter not interfering with, but entirely distinct from, the Professorship of Divinity in the University ; saving that the Professor will be eligible, as a clergy-

man, into the association, or, occasionally, as a lecturer, for the design which will be presently offered to view.

The interest of the second year, and of others, as will soon be mentioned, I devote to the promotion of the knowledge of the sacred writings, principally of the New Testament, in such a way as cannot ordinarily be practised in mixed assemblies of Christians on Lord's days; which yet may tend greatly to the improvement of men of contemplative minds, especially of such students in divinity as may be desirous to become critics in Biblical literature, that they may thereby be rendered more extensively useful in the church of God. It is therefore my desire, that the Corporation, and their elected associates, institute time and place for the delivery, in each of those years, one learned dissertation, or more, as they see fit, for the purpose of critically explaining either the history, doctrines, or precepts of the Gospel; and of each in such order as shall be judged most likely to be profitable, and as suitable lectures for each as can be provided; not omitting elucidations of such parts of the Old Testament as have, by the *most judicious expositors*, been thought to be prophetic of the *advent*, or to refer to the *character* or *offices* of the Messiah, or to the events consequent upon his divine mission. Peradventure, while the believer is illuminated, the skeptic may be convinced. My meaning is, that only some selected part of sacred history, some particular doctrine or precept of the Gospel, or, except one cannot be disjoined from another, some single prophecy of the coming of Christ, some individual prophetic description of his person, or of his religion, or of its effects, should be the subject of any one lecture.

My will is, that two hundred sixty and six dollars and two thirds of a dollar, the annual interest, be applied the first year in which it may be received for the purchasing books, or writings, for the library, and the next year after for defraying the expenses of critical lectures for promoting Scripture knowledge, and so on, in a regular change and reciprocal succession.

Provided, nevertheless, that as the lecturers ought to receive

a compensation, and a large number of their discourses should be published, if the Corporation and the five gentlemen associated with them (I mean both here and elsewhere, a majority of the whole body), should judge it best that the first year's interest, appropriated to the support of lecturing, should be put out on interest, and that there should be no public discourse delivered till two years' compound interest of the capital sum shall have been received, their judgment shall determine this question. But should they thus judge, it is not to be understood to be my desire that the whole of the five hundred forty and nine dollars and one-third of a dollar, then in hand, should, at all events, be expended in that same year. A gradual increase of the capital, when a part of the income can at times be well spared without injuring the design of the testator, would be desirable ; and to this end also it will be of importance that no moneys should lie, unnecessarily, in an unproductive state ; these things, however, are left entirely to the prudence and wise conduct of the managers.

Provided, moreover, that, if at any time or times when interest shall have been received, or may be receivable, a learned person shall have written or shall be engaged in writing a critical treatise, disquisition, or commentary, of the same useful tendency, in the judgment of the associated managers, too lengthy to be read at any public meeting, — or if, when it shall be thought that circumstances are become sufficiently propitious, and that advantages fully adequate to the undertaking are possessed, any learned man shall be employed about a new translation of the New Testament, or of any part or parts of the same, or such part or parts of the Old Testament as are referred to above, the Corporation, and the gentlemen associated with them, may interrupt the ordinary course of proceeding, and apply a part or the whole of any money received for interest as an aid towards printing and publishing such treatise, disquisition, commentary, or translation, if it should appear to them fit and proper so to do ; when, however, a sale

of the copy-right will affect the same design, this use of the money will be needless.

After all that has been said above, the Corporation and their associates will not fail to observe a disposition in the testator to leave *very much* to their discretion. He was influenced thereto from a persuasion of his own incompetency to determine their proceedings with precision. His great object is to promote a *critical* knowledge of the Holy Scriptures ; but he is not so tenacious of the plan he has exhibited as to be against any deviations from it ; provided the important purpose of the bequest be strictly adhered to. The scheme prescribed may be superfluous in some respects, and defective in others.

To the superior wisdom of the worthy and respectable characters who may practise and improve upon it, but, above all, to the blessing of God, he commends a design so imperfectly delineated.

Copy of Note, March 27, 1800.

It has occurred to me since the execution of my last will and testament, that it may be imagined by some that the design of the legacy to the University implies in it an apprehension that the reverend and learned gentlemen, the President and Professor of Theology, the learned and worthy Professor of the Hebrew and Oriental Languages, and the great body of the clergy in this Commonwealth, are remiss in their attention to the object of the legacy. I earnestly disavow the implication. Indeed, while with an enthusiastic ardor I was penning that part of my will, I had no room for the idea. My mind was wholly occupied with a wish that the religion of the Gospel, which the more I studied the more I was confirmed in the belief of its truth, might be better understood ; that unbelievers might be proselyted, and doubters confirmed. Upon the occurrence of the thought, however, I was led to revise the article in my will ; the result of which revision is, that I am very sensible it might receive amendments. The methods pro-

posed respecting the subjects of the public discourses might be altered for the better. I think I could meliorate it myself; but I shall not attempt it. I have submitted all matters, in a great measure, to the discretion of the managers; and, to remove all cause of censure, I now beg the bequest may be considered as if I had said but little more than that I left such a sum for promoting *a critical* knowledge of the Holy Scriptures. No one will deny that this is a very important object. Every one will allow, that he that wishes for no more religious knowledge than will barely suffice never improves, as he ought, the small stock he is possessed of, or he would desire more. No proficient in Biblical learning will say that sacred criticism is arrived at perfection. It will be improving till believers "shall know even as they are known." The study of the Gospel, and its precedent and subsequent relations, is "drawing water out of the wells of salvation" which are inexhaustible. Upon the whole, I leave the matter nearly as much at large as if the bequest had been made in two lines as above; not doubting if there are suggestions in my plan that may in some measure be helpful, they will be recurred to. My object will be well known from what I have written; though I may not have been happy enough to lay a wise scheme for carrying it into effect; and this object I earnestly wish may be pursued. The thought that I had done *nothing* by proposing it, which, eventually, might have some effect in promoting the interest of the divine religion of the Gospel, the declarations of which lie at the foundation of my own hope respecting a future existence, would give me uneasiness in the latest moment of my life.

P. S. The directions respecting the placing and keeping at interest the legacy, and the election of associates with the Corporation, cannot be dispensed with; but must remain *absolute*, notwithstanding any thing said above. They cannot be discretionary.

It is impossible that the usefulness of explaining idioms, phrases, and figures of speech, which abound in the Scriptures,

and of the usages and customs therein referred to, and of clearing up the difficulties in sacred chronology and geography, should not be adverted to by the managers of the legacy.

I certify that the above written are correct copies of the original bequest in my own handwriting, dated February 12th, 1799, and of the note directed to be communicated to the Corporation, dated March 27th, 1800, with a postscript.

I also certify, that, on the 9th of October, 1802, I wrote and executed a short codicil, adding one thousand one hundred and eleven dollars eleven cents and one mill, and that, on the day of 1809, I wrote and duly executed a second codicil, in order to add five hundred and fifty-five dollars fifty-five cents and five mills, thereby making an aggregate sum of five thousand dollars, to be applied *solely* and *entirely* to the promoting of a critical knowledge of the Holy Scriptures, as expressed in the original bequest, and subject, *mutatis mutandis*, so far as may be approved by the Corporation and their associates, to the directions given in the same, yet renewing and confirming the discretionary powers in their fullest latitude of construction as therein also expressed.

ROYALL PROFESSORSHIP OF LAW.

The fund appropriated to this Professorship accrues from the bequests of Isaac Royall, Esq., made in his will, dated May 26, 1773, and in the codicil to his will, dated November 30, 1779. He devised and bequeathed to the Corporation of Harvard College certain lands, "to sell the same, and put the money out to interest, the income to be appropriated towards endowing a Professor of Laws, or a Professor of Physic and Anatomy, whichever they shall judge to be most for the benefit of said College."

In the autumn of 1815, it was determined to establish a

Professorship of Law agreeably to the foregoing will, and, in the spring following, the statutes and rules were enacted, and the Professor introduced.

Statutes of the Professorship of Law in Harvard University.

1. For the present, and so long as the principal support of the Professor shall be derived from the fund bequeathed by the late Hon. Isaac Royall, Esquire, the Professor shall be entitled, "Royall Professor of Law"; but the Corporation reserve to themselves the right, with the assent of the Overseers, to change the title of said Professor, whenever and as soon as any such additions shall be made to the aforesaid fund, as to render the sum bequeathed by the aforesaid Royall the smaller part of the whole foundation, or for any other good and sufficient reason not repugnant to the will of the said Royall.

2. The said Professor of Law shall be elected in the same manner in which other officers of the College are chosen, and shall hold his office during good behaviour; but the Corporation, with the assent of the Overseers, may at any time remove him for any cause which they may deem just and sufficient.

3. The said Professor shall enjoy all the privileges and the rank which appertain of right to the other Professors in the College; but he shall not be obliged to reside in the town of Cambridge, nor shall he be called upon to take any part in the immediate government of the College, unless required so to do by the Corporation and Overseers; he shall, however, when requested by the Corporation, give his opinion on any questions of law immediately affecting the College, provided the delivery of such opinion shall not interfere with the said Professor's other duties.

4. The said Professor shall enjoy all the authority while delivering his lectures to the students, as to the preservation of order and decorum, and the regulation of the deportment of the students, which other Professors are entitled to exercise; and for any indecorum during his exercises, or insult offered to him,

the students shall be subject to such penalties as are provided in like cases as to the other officers of the College ; which penalties it shall be the duty of the immediate government, after due examination, to apply.

5. The said Professor shall, before he enters on the duties of his office, subscribe these statutes, as well as the usual declaration prescribed in such cases to other Professors.

6. The course of lectures shall be delivered in some of the College public rooms, and shall consist of not less than fifteen ; and, until further order, the same shall be attended only by the Senior class among the undergraduates ; but the officers of the College, including the Overseers and Corporation, together with all resident graduates, shall have a right to attend the said lectures gratis. It shall also be lawful for the said Professor to admit any other persons, not resident at the College, on such terms and conditions as shall to the said Professor seem proper ; provided, that such arrangements be made, as to numbers and seats at the lectures, as may consist with the suitable accommodation of the members of the College who attend.

7. It shall be the duty of the said Professor to exhibit, in a course of lectures, the theory of Law, in its most comprehensive sense ; the principles and practical operation of the Constitution and government of the United States and of this Commonwealth ; a history of the jurisprudence of this State under the Colonial and Provincial, as well as under the present government ; an explanation of the principles of the common law of England, the mode of its introduction into this country, and the sources and reasons of its obligation therein ; also its various modifications by usage, judicial decision, and statute ; and, generally, those topics connected with law as a science which will best lead the minds of the students to such inquiries and researches as will qualify them to become useful and distinguished supporters of our free systems of government, as well as able and honorable advocates of the rights of the citizens. And it shall be in the power of the Corporation, with the assent of the Overseers, to vary, modify, enlarge, or wholly

change the above course, and to prescribe any other duties not inconsistent with the general principles on which such a Professorship is founded.

At a Meeting of the Corporation, August 20, 1829.

The Corporation having reserved the power to alter and modify, with the assent of the Overseers, the Statutes of the Royall Professor of Law in the University, do hereby order and enact as follows : —

1. The third article of the said former statutes, so far as it respects the residence of the Professor, is repealed, and he is required to reside in the town of Cambridge.

2. The sixth and seventh articles of the said statutes shall be and hereby are repealed.

3. The Dane Professor of Law is considered for the present, and until the further order of the government, as the head of this department in the University. It shall be the duty of the Royall Professor, in conjunction with the Dane Professor, to devise and propose, from time to time, to the Corporation, such a course of instruction in the Law School as may best promote the design of that institution, and the interest and honor of the University ; and to do all in his power to promote those objects. He shall have the immediate charge and oversight of the students, meeting them frequently, at stated periods, to ascertain their progress, to assist in and stimulate their studies, and to explain and remove such doubts and embarrassments as may occur in the course of their reading.

In addition to the familiar lectures and conversations at his abovementioned meetings with the students, the Royall Professor will, if it should be deemed expedient by the Corporation, prepare and deliver written lectures on such branches of the law as are not included in the department of the Dane Professor ; and in all his instructions, whether oral or written, he will not only endeavour to explain the principles of the English common law, but will show its various modifications in this country, by the principles of our constitutions of government,

and by statutes, judicial decisions, and usages; and, generally, he will strive to lead the minds of the students to such inquiries and researches as will qualify them to become useful and distinguished supporters of our free systems of government, as well as able and honest advocates of the rights of the citizens. And it shall be in the power of the Corporation, with the assent of the Overseers, to vary, modify, enlarge, or wholly change the above course, and to prescribe any other duties not inconsistent with the general principles on which the Professorship is founded.

SMITH PROFESSORSHIP OF THE FRENCH AND SPANISH LANGUAGES AND LITERATURE, AND PROFESSORSHIP OF BELLES LETTRES.

Extract from the Will of Abiel Smith, Esq.

"I GIVE to the Harvard University, at Cambridge, the nominal sum of twenty thousand dollars, in the three per cent. funded stock of the United States, as a fund, the interest or income to be appropriated to the maintenance and support of a Teacher or Professor of the French, or French and Spanish languages, at said University, either singly or in company with any other fund which may be given or appropriated to the same purpose."

"And if my estate should be sufficient at the time of my decease, I give to the Harvard University, at Cambridge, the further sum of ten thousand dollars, to be used as a fund for the same purposes as prescribed in my bequest heretofore made in this instrument to said University."

In 1816, the two bequests above mentioned having been received, it was determined that the endowment should be applied in part to pay the expense of private instruction and recitation in the French and Spanish Languages, and in part to the

support of a Professor who should give lectures on the Literature, as well as Languages, of those nations.

The foundation and rules were made, and the Professor chosen, in 1817.

At a Meeting of the President and Fellows of Harvard College, 30th June, 1817, the following votes were passed : —

1. There shall be established at the University a Professor on the foundation made by the late Abiel Smith, Esq.

2. The Professor shall be styled Smith Professor of the French and Spanish Languages and Literature.

3. The Professor, after his election, and before he enters on the duties of his office, shall make and subscribe a declaration and promise of the tenor required of other Professors on foundations.

4. The Smith Professor shall hold his office by the same tenure generally as the other Professors on foundations, and shall be subject to removal by the President and Fellows for any cause by them deemed just and sufficient, the Overseers consenting thereto.

5. The Professor shall give lectures and exercises in one or both the departments committed to him, in such mode, at such times, and to such persons as shall be determined by the College laws from time to time, and shall receive for his services one thousand dollars annually from the income of the late Mr. Smith's bequest.

6. The first Smith Professor shall be Professor of Belles Lettres, with authority to give instruction in public and private lectures, in this department, to such members of the College as may attend upon him, on such conditions, and for such fees, as may be determined ; but with no regular salary stipulated by the College, except that the College will insert and collect in the quarter-bills the dues to the Professor from his pupils and the attendants on his lectures.

7. The Professor holding these two offices shall not be required to be resident, unless a stated salary shall be annexed

to said offices, which, in the opinion of the Corporation, shall make the requisition of such residence reasonable ; and, in such case, the Professor shall have no more .prerogative in respect to fees for his instruction than the Corporation shall deem expedient.

RUMFORD PROFESSORSHIP AND LECTURER ON THE APPLICATION OF THE SCIENCES TO THE USEFUL ARTS.

Benjamin Count Rumford, by his will, registered at Paris, in 1814, bequeathed to the University as follows : — I give and bequeath to the University of Cambridge, in the State of Massachusetts, in North America, my native country, one thousand dollars per annum forever, for the purpose of founding, under the direction and government of the Corporation, Overseers, and Governors of that University, a new institution and professorship, in order to teach by regular courses of academical and public lectures, accompanied with proper experiments, the utility of the physical and mathematical sciences, for the improvement of the useful arts, and for the extension of the industry, prosperity, happiness, and well-being of society." In the same instrument he gave also, for the same object, the reversion of certain other sums.

The money accruing to the University from this bequest, by the care of the gentlemen who acted in behalf of the Corporation, coöperating with the attention and fidelity of the executors, being placed to the credit of the University in the French funds, the Corporation proceeded to establish the Professorship by enacting, with the assent of the Overseers, the following rules and statutes.

Rules and Statutes of the Rumford Professorship.

CHAPTER I.

Election of the Professor and his Tenure of Office.

1. The Professor shall be called the Rumford Professor in the University of Cambridge.

2. The first Professor and his successors shall be elected by the President and Fellows, and the election be approved by the Overseers of Harvard College. The Professor shall be a Master of Arts, and shall bear the character of a man of science, piety, and good morals.

3. The Professor, after his election, and before he enters on the duties of his office, shall make and subscribe a declaration similar to the declarations required of the Medical Professors.

4. The Professor, shall hold his office by the same tenure, generally, as the other Professors on foundations, and shall be subject to removal by the President and Fellows, for any cause by them deemed just and sufficient, the Overseers consenting thereto.

CHAPTER II.

The Duties of the Professor.

1. It shall be the duty of the Professor to execute the will of the founder, his bequest being made for the "purpose of founding, under the direction and management of the Corporation, Overseers, and Government of the University, a new institution and professorship, in order to teach, by regular courses of academical and public lectures, accompanied with proper experiments, the utility of the physical and mathematical sciences, for the improvement of the useful arts, and for the extension of the industry, prosperity, happiness, and well-being of society."

2. In pursuance of this general design of the founder, it shall be the duty of the Professor to explain, and, as far as may be, to elucidate by demonstrations and experiments, the manner in which the mathematical and physical sciences are or have been actually applied to the Arts, and to the purposes of life; to describe, with illustrations by the exhibition of experiments and models, valuable improvements, inventions, and discoveries, not generally known or introduced into use; to engage, as opportunity or occasion may suggest, or the Corporation may point out, in particular investigations for making discoveries relating to the theory and practice of the useful arts, and for ascertaining the value of proposed improvements, communicating the results of his inquiries, examinations, and experiments in his lectures, or from the press.

3. It shall be the duty of the Professor to point out the sources of information on the various subjects comprised in the general design of the Rumford Professorship, and which subjects may not be particularly displayed and treated in the lectures of the Professor.

4. He shall annually, at assigned periods, direct the attention of his hearers and the public to the valuable discoveries and inventions which have been offered to the world in the year preceding, and shall point out the most prominent objects of attention and inquiry in philosophical, agricultural, and economical subjects which may be prevalent.

5. In the course of his lectures, he shall take due notice of the labors and services of the Founder in this department of knowledge, and the important results of his researches and experiments. And the Professor shall generally perform such duties relative to the objects of the Professorship as the Corporation, with the consent of the Overseers, shall from time to time prescribe.

6. The time, the particular subjects, and the number of the Professor's lectures, the manner of giving them, the persons who shall have a right to attend, with the terms and conditions, shall be under the direction of the Corporation.

ALFORD PROFESSOR OF NATURAL RELIGION, MORAL PHILOSOPHY, AND CIVIL POLITY.

PARTICULAR appropriation of the moneys paid out of the estate of the late Hon. John Alford, of Charlestown, Esquire, by the Hon. Edmund Trowbridge, Esquire, and Richard Cary, Esquire, executors of his last will and testament.

Know all men, that whereas we, Edmund Trowbridge, of Cambridge, in the county of Middlesex, Esquire, and Richard Cary, of Charlestown, in said county, Esquire, executors of the last will and testament of the Hon. John Alford, late of Charlestown aforesaid, Esquire, deceased, did, at several times, between the fifteenth day of March, A. D. 1765, and the first day of June, A. D. 1782, put into the treasury of Harvard College, in Cambridge, thirteen hundred and sixty-two pounds, eight shillings, and five pence, lawful money, part of the said Alford's estate, to be by their Treasurer let out and kept upon interest, and the growing interest added to the principal yearly, until such a capital should be raised as that the interest thereof would be sufficient to support in said College a Professor of some particular science of public utility, and then to be regularly appropriated to that use; and whereas, by reason of the late war, and the evils that attended it, this is not yet done, and there is no probability of such a capital being so raised during our lives: —

We do, therefore, now appropriate the said thirteen hundred and sixty-two pounds eight shillings and five pence, and the interest thereof in the said treasury, to and for the support of a Professor of Natural Religion, Moral Philosophy, and Civil Polity, in the said College forever, whose principal duty it shall be by lectures and private instruction to demonstrate the existence of a Deity or First Cause, to prove and illustrate his essential attributes, both natural and moral, to evince and explain his providence and government, together with the doc-

trine of a future state of rewards and punishments; also, to deduce and enforce the obligationswh ich man is under to his Maker, and the duties which he owes him, resulting from the perfections of the Deity, and from his own rational nature; together with the most important duties of social life, resulting from the several relations which men mutually bear to each other; and, likewise, the several duties which respect ourselves, founded not only in our own interest, but also in the will of God; interspersing the whole with remarks, showing the coincidence between the doctrines of revelation and the dictates of reason, in these important points; and, lastly, notwithstanding this coincidence, to state the absolute necessity and vast utility of a divine revelation.

He shall also read a distinct course of lectures upon that branch of Moral Philosophy which respects the application of the law of nature to nations and their relative rights and duties; and, also, on the absolute necessity of civil government in some form, and the reciprocal rights and duties of magistrates and of the people, resulting from the social compact; and also on the various forms of government which have existed or may exist in the world, pointing out their respective advantages and disadvantages, and what form of government is best adapted to promote the greatest happiness of mankind.

And to the end that a regular and systematical division of the foregoing subjects, and of all the other branches of science which come under this institution, may be had and preserved, as well as a due proportion of time devoted to each, it is declared, that the said Professor shall be under the control of the President, Fellows, and Overseers of the said College, who may, from time to time, give such directions relative thereto as they shall judge fit and proper, and as shall be consistent with the rules and orders of this institution.

The said Professor shall read his lectures on Natural Religion to all the four classes of undergraduates; those on Moral Philosophy, to the two senior classes; and those on Civil Polity to the senior class only; provided, nevertheless, that

the officers of the College, and resident graduates, as likewise such other gentlemen as the Corporation shall permit, shall have a right to attend all or any of the lectures aforementioned.

Such Professor shall be chosen by the President and Fellows, and approved by the Overseers, of the said College, when there shall, in their judgment, be a sufficient fund for his support, raised either in the manner aforesaid, or for the present with the assistance of the College or otherwise, until he can properly be supported in the manner first proposed. But, notwithstanding such temporary assistance, the said John Alford, Esq., shall be deemed and considered as the founder of this Professorship, and the Professor shall be called the Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity.

And we do hereby institute and appoint, that the said Professor shall, from time to time, as occasion may require, be elected by the President and Fellows, and approved by the Overseers, of the said College; that he shall be a Master of Arts, and bear the character of a learned, pious, and honest man; that he shall be at all times under the care and inspection of the said President, Fellows, and Overseers, who shall order and appoint the times and places for reading his public and private lectures, and see that the Professor duly attend the business of his office, and faithfully discharge the trust aforesaid reposed in him; and, as a regular and faithful discharge thereof will be sufficient to employ his whole time and thoughts, he shall not, while he holds the said office, be a pastor or teacher of any church or congregation, or an instructer in any other science; that the said Professor shall hold his office during his good behaviour, and that he be removable from it by the said President, Fellows, and Overseers, for want of ability to execute the trust, or for misbehaviour in the office, or for immoral and scandalous conduct and behaviour out of it.

That the Professor, on the day of his inauguration, shall, in

the presence of the President, Fellows, and Overseers of the said College, profess and declare himself to be of the Protestant Reformed religion, and a member of a Protestant church, and shall promise to discharge, with diligence and fidelity, the sacred trust aforesaid reposed in him; that he will endeavour, as well by his example as otherwise, to encourage and promote virtue, true religion, and piety; and that he will religiously observe the aforesaid institutes of the founder of this Professorship.

That, upon the death or removal of a Professor, the vacancy shall be filled up by the President, Fellows, and Overseers (in the same manner as the former Professor was appointed), with a person in all respects qualified for the office, and prepared as aforesaid to execute it.

Witness our hands and seals, this eighteenth day of February, A. D. 1789.

EDMUND TROWBRIDGE, [L. S.]
RICHARD CARY, [L. S.]

Signed, sealed, and delivered, in presence of

JOHN FOXCROFT,
JAMES FILLEBROWN, } by the said Trowbridge.

DAVID DEVONS,
SAMUEL CARY, } by Richard Cary, Esq.

PARKMAN PROFESSORSHIP OF PULPIT ELOQUENCE AND THE PASTORAL CARE.

Statutes of the Professorship of Pulpit Eloquence and the Pastoral Care.

1. THE Professor on this foundation shall be styled the Professor of Pulpit Eloquence and the Pastoral Care; but the Corporation reserve to themselves the right, with the assent of

the Overseers, to prefix to this title the name of any benefactor who in their judgment shall deserve such honor.

[*At a stated Meeting of the Corporation, July* 25, 1840,

Voted, That the Professor on this foundation shall be styled the Parkman Professor of Pulpit Eloquence and the Pastoral Care.]

2. This Professor shall be elected in the same manner in which other officers of the College are chosen, and shall hold his office by the same tenure, generally, as the Professors on other foundations, and shall be subject to removal by the President and Fellows for any cause by them deemed just and sufficient, the Overseers consenting thereto.

3. The said Professor shall, before he enters on the duties of his office, subscribe these statutes, as well as the usual declaration prescribed in such cases to other Professors in the University ; and he shall also enjoy all the privileges, and the rank which appertain of right to the other Professors.

4. The said Professor shall be a member of the Faculty of Theology.

5. It shall be the duty of this officer to instruct the Theological students in elocution, the composition and delivery of sermons, Christian institutions, ecclesiastical polity, and the pastoral care. As to the time and manner of giving such instructions, he is left to the guidance of his own discretion and experience, subject, however, to such express rules and directions as may be prescribed, from time to time, by the government of the University. It is also expected and required of this officer, that he shall have a general oversight of the character and progress of the members of the school, and endeavour, by private and familiar intercourse, to cultivate amongst them a devotional spirit, and a deep sense of the responsibleness of the sacred office, and fit them for the practical parts of their profession ; that, when they leave the institution, they may be prepared to become faithful, useful, self-denying ministers of Jesus Christ. And it shall also be his duty to perform

such other services not inconsistent with those mentioned in these statutes as may be required of him by the government of the University.

6. The Corporation, with the assent of the Overseers, shall have power to make any alteration in these statutes not inconsistent with the leading objects of the Professorship.

DANE PROFESSORSHIP OF LAW.

BEVERLY, *June* 2, 1829.

To the President and Fellows of the Corporation of Harvard University.

GENTLEMEN: — As I have a long time wished to aid and promote the law branch in the said University, and now by the profits of my law work can conveniently do it, I proceed to lay the foundation of a professorship of law therein, and to provide for the appointment of a Professor, and to aid in his support, in the manner following, and submit the same to your consideration.

In the first place, it shall be his duty to prepare and deliver, and to revise for publication, a course of lectures on the five following branches of law and equity, equally in force in all parts of our federal republic, namely, the law of nature, the law of nations, commercial and maritime law, federal law, and federal equity, in such wide extent as the same branches now are, and, from time to time, shall be administered in the courts of the United States; but in such compressed form as the Professor shall deem proper; and so to prepare, deliver, and revise lectures thereon as often as the said Corporation shall think proper. But as the Corporation may, after one course of lectures shall have been prepared, delivered, and revised, on these branches, think it best to include in his lectures other

branches of law and equity that shall, from time to time, be in force in Massachusetts, I authorize the said Corporation so to do; ever confiding in the discretion thereof to select the State branches the most important and the most national; that is, as much as may be, branches the same in other States in the Union as in this; — making lectures on this State law useful in more States than one, — law clearly distinguished from that State law which is in force and of use in a single State only.

2. I now appropriate ten thousand dollars to be placed by me in the possession of the said Corporation, on or before the first day of September next, as a fund forever, towards the support of the said Professor; all the income whereof, and of such other moneys and funds as I may hereafter add, shall be paid over annually, or semi-annually, as the Corporation may direct, to the Professor for the time being, each year beginning on the first day of September.

3. In conformity to the Constitution of the United States, of Massachusetts, and of most of the other States, I declare that no religious test shall ever be required as a qualification of this Professorship; but each person who shall be appointed Professor shall, before entering on the duties of this office, make and subscribe a declaration in the words following: —

"I do solemnly declare that I will, to the best of my ability, perform the duties required of me by the statutes under which I am now appointed Professor of Law in Harvard University"; and that no oath or other declaration shall ever be required.

4. It is my object that a Professor shall always be appointed who shall be a counsellor at law of at least seven years' standing at the bar; and, to insure a suitable appointment, from time to time, of a Professor learned in the branches of law and equity aforesaid, and especially in the five aforesaid branches, I do declare that his residence at Cambridge shall never be required as a condition of holding his office, believing that the best Professors will generally be found among judges and lawyers eminent in practice in other places conveniently situated, and

who, while Professors, may continue their offices or practice generally; also thinking law lectures ought to increase no faster than there is a demand for them. Clearly their greatest benefit will be in publishing them.

5. As the honorable Joseph Story is, by study and practice, eminently qualified to teach the said branches both in law and equity, it is my request that he may be appointed the first Professor on this foundation, if he will accept the same; and, in case he shall accept the same, it is to be understood that the course of his lectures will be made to conform to his duties as one of the Justices of the Supreme Court of the United States; and, further, that time shall be allowed him to complete, in manner aforesaid, a course of lectures on the said five branches, probably making four or more octavo volumes; and that all the lectures and teaching of him and of every Professor so to be appointed shall be calculated to assist and serve in a special manner law students and lawyers in practice; — sound and useful law being the object.

6. The number of lectures, and the manner of delivering them, I leave to the discretion of the Corporation, as I do all other matters and things not contravening the rules or statutes herein contained, placing full confidence in its wisdom and judgment.

But as the present state of the law branch in the said University, and the times of meeting of the Overseers thereof, allow less time to prepare statutes and system than is desirable, I reserve, so far as may be consistently done, liberty to put, before the first of September next, the proper rules and statutes in the case into a more technical and intelligible form, strictly preserving the substance and principles herein contained.

The name of the Professorship I leave to the Corporation.

With sincere respect, your obedient servant.

Signed, NATHAN DANE.

At a Meeting of the Corporation, June 3, 1829, *it was*

Voted, That the Professor on this foundation shall be styled the Dane Professor of Law in Harvard University.

Voted, That this Professor shall be elected in the same manner in which other officers of the College are chosen, and shall hold his office by the same tenure as the Professors on other foundations, and shall be subject to removal by the President and Fellows for any cause by them deemed just and sufficient, the Overseers consenting thereto.

MEDICAL STATUTES.

September 22, 1831.

Statutes of the University of Cambridge relative to the Degree of Doctor of Medicine.

I. The Faculty of Medicine of this University shall consist of the President, and of the Professors and Lecturers authorized to give instruction to the medical students. This Faculty shall always have a Dean elected by themselves, for such periods as they may think proper, and may also adopt rules for their own government, provided that the same do not, in any respect, contravene the laws of the University.

II. Students of medicine designing to attend the Medical Lectures, or any of them, shall be matriculated in this University by entering their names with the Dean of the Faculty of Medicine, to be enrolled by him, and by signing an obligation to submit to the laws of the University, and to the direction of the Faculty of Medicine.

III. There shall be holden by the Faculty four meetings annually for the purpose of examining candidates for the degree of Doctor of Medicine. Two of these meetings shall be for private, and two for public examinations. They shall be holden in the Massachusetts Medical College, unless otherwise specially ordered. They may be continued by adjournment by vote of the members present; and if only one member attend at

the time and place designated, he may adjourn the meeting from day to day till three members of the Faculty may attend the meeting. Three members of the Faculty must be present at every examination.

IV. The first meeting for private examinations, in every year, shall be holden on the day next succeeding that on which the winter courses of Medical Lectures shall terminate, at ten o'clock, A. M. The second meeting for private examinations shall be holden on the Monday next but one preceding the day of the annual Commencement in the University, at ten o'clock, A. M. In extraordinary cases, the Faculty may hold meetings for private examinations at other periods.

V. The meetings for public examinations shall be holden within one week after the termination of the stated annual meetings for private examinations respectively, on such days as the Faculty may appoint, if not otherwise ordered by the President. These meetings shall be open to the governors and instructers of the University, to the Fellows of the Massachusetts Medical Society, and to such other respectable persons as may wish to attend them.

VI. Every candidate for the degree of Doctor of Medicine must comply with the following conditions before being admitted to a private examination, viz. : —

1st. He shall satisfy the Faculty that he has arrived at the age of twenty-one.

2d. He shall have attended two courses of the Lectures delivered at the Massachusetts Medical College by each of the Professors.

3d. He shall have employed three years in his professional studies, under the direction of a regular practitioner of medicine.

4th. If he has not received a University education, he shall satisfy the Faculty of Medicine in respect to his knowledge of the Latin language and experimental philosophy.

5th. He shall, four weeks previous to the day on which he presents himself for examination, have given notice of his intention to the Dean of the Faculty, and at the same time shall

have delivered or transmitted to the Dean a dissertation written by himself on some subject connected with medicine.

VII. Every dissertation shall be submitted by the Dean to the examination of the Faculty in the mode which they shall point out.

VIII. At the meetings for private examinations, the Faculty shall examine all those candidates who shall present themselves, after having complied with the conditions enumerated in the sixth of these statutes, upon the following branches of medical science, namely, Anatomy, Physiology, Chemistry, Materia Medica, Pharmacy, Midwifery, Surgery, and the Theory and Practice of Medicine. At these meetings every candidate shall be examined separately, and the decision of the Faculty, in respect to each, shall be made and declared to him immediately after the examination has closed. The decision in respect to each candidate shall be determined by the vote of the major part of the members of the Faculty present at the examination of the same ; and this decision, if favorable to the candidate, shall be recorded by the Dean. In the decisions to be made at these meetings, regard shall be had to the dissertation as well as to the examination.

IX. Those candidates, who have been approved according to the eighth of these statutes, may present themselves at the public examination next ensuing after such approbation. Each candidate so presenting himself shall then read and defend, or be examined upon, the dissertation which he shall have previously submitted to the Faculty. At the close of each public examination, the Faculty shall decide in respect to each candidate whether he shall be recommended as worthy of the degree for which he has applied. The decision of the Faculty, in respect to all those candidates whom they do so recommend, shall be recorded by the Dean, and shall by him be certified to the President, to be laid before the Senatus Academicus.

X. Those candidates who have received from the Senatus Academicus the final approbation will be directed by the President to appear at Cambridge, at such time as he may ap-

point, and he will then admit each of them, with the accustomed solemnities, to the degree of Doctor in Medicine.

At a Special Meeting of the Corporation, January 25, 1834,

Section 2d of the sixth statute was amended by adding the following clause : —

" Except that if he have attended a course of similar lectures in any other College or University, the same may take place of one of the above courses."

FISHER PROFESSORSHIP OF NATURAL HISTORY.

DECEMBER 30, 1834.

Rules and Statutes of the Fisher Professorship of Natural History in Harvard University.

CHAPTER I.

Election of the Professor.

1. THERE shall be established in Harvard University a Professorship of Natural History ; the Professor of which shall be called the Fisher Professor of Natural History.

2. The Professor, shall be elected in the same manner in which other officers of the University are chosen, and shall hold his office on the same tenure as the Professors on other foundations, and shall be subject to removal, by the President and Fellows, for any cause by them deemed just and sufficient, the Overseers consenting thereto.

3. The Professor, after his election, and before he enters on the duties of his office, shall make and subscribe a declaration in the words following, namely : — " I do solemnly declare that I will, to the best of my ability, perform all the duties required of me by the statutes under which I am now appointed Fisher Professor of Natural History in Harvard University."

CHAPTER II.

Duties of the Professor.

1. It shall be the duty of the Professor to read lectures and give instruction in Natural History, "comprehending the three kingdoms, animal, vegetable, and mineral," to the undergraduates, and to the members of the Divinity and Law Schools, as the President and Fellows of Harvard College from time to time may enjoin, and to perform such other duties as shall be assigned to him, from time to time, by them, in conformity with the will of the donor.

2. So long as the Massachusetts Professorship of Natural History shall be vacant, he shall execute all the duties required by the Statutes of that Professorship, free of charge, to the students, and until otherwise ordered by the Corporation.

3. The Fisher Professor shall always reside in the town of Cambridge, and at the Botanic Garden, unless otherwise ordered by the Corporation.

PROFESSORSHIP OF THE PRINCIPLES OF SURGERY AND CLINICAL SURGERY.

January 15, 1835.

Statutes of the Professorship of the Principles of Surgery and of Clinical Surgery.

1. The Professor in this department shall be styled Professor of the Principles of Surgery and of Clinical Surgery.

2. The Professor shall be appointed in the same manner, and shall hold his office by the same tenure, as other Professors in the University, and shall be subject to removal, by the President and Fellows, for any cause by them deemed sufficient, the Overseers consenting thereto.

3. It shall be the duty of this Professor to give elementary

lectures on the Principles of Surgery, and Clinical Lectures on the surgical cases in the Massachusetts General Hospital.

4. The same attendance on the lectures in this department shall be required of the candidates for the degree of Doctor in Medicine, in this University, as is required on the lectures in the other departments of the Medical Faculty.

McLEAN PROFESSORSHIP OF ANCIENT AND MODERN HISTORY.

January 3, 1839.

Rules and Statutes of the McLean Professorship of Ancient and Modern History in Harvard College.

Whereas John McLean, Esq., late of the city of Boston, merchant, amongst other munificent benefactions to public uses, did, by his last will, make the following bequest to trustees to inure to the use and benefit of the College, after the decease of his wife, for the purposes therein expressed, namely: — "And this bequest of fifty thousand dollars is upon the further trust that the trustees will, after the decease of my said wife, pay over, transfer, and deliver one half in actual value of the said entire fund to the President and Fellows of Harvard College, the income and profit whereof shall be exclusively and forever appropriated to the support of a Professor of Ancient and Modern History at that College. And it shall be the duty of the Professor established on this foundation to deliver annually a course of public lectures in his department for the benefit of the students of said College, free of expense to them, to such classes, at such times, and under such regulations, as the President and Fellows of said College may, from time to time, direct and appoint. If, however, from any cause, the fund so to be paid over to said President and Fellows shall not yield an income sufficient for the support of such Professor, they are

hereby authorized to add the income thereof to the principal, for such length of time as may be necessary to increase said fund to a sum the income whereof may be sufficient for the support of such Professor. But if, after the receipt of said fund by said President and Fellows, and after the same shall have accumulated sufficiently to yield an income adequate to the support of such Professor, there shall be a vacancy in the office of such Professor for the space of two years continually, my will and direction is, and this gift to the said President and Fellows is upon the trust, that they will pay over the income of such fund which may accrue during such term of two years, and during such vacancy, to the trustees of the Massachusetts General Hospital. If, however, a Professorship of Ancient and Modern History shall have been established at Harvard University, at the time when such fund is to be paid to said President and Fellows, then they shall be at liberty to appropriate and apply the income of said fund to the support of such other Professorship as they may deem fit and useful, and may be best adapted, in their judgment, to promote the interests of literature and science, and advance the reputation of the University."

And whereas the fund is now deemed sufficient, in the judgment of the President and Fellows, to warrant the establishment of such Professorship, upon a scale adequate to the wants of the University in the department of Ancient and Modern History, —

At a meeting of the President and Fellows of Harvard College, on the twenty-first day of July, in the year of our Lord 1838, voted, that such Professorship be forthwith established, under the rules and statutes and provisions hereinafter declared.

CHAPTER I.

Of the Election of the Professor, and his Title and Tenure of Office.

1. THERE shall be established at Harvard College a Professor on the foundation provided by John McLean, Esq., by his said will.

2. This Professor shall be styled the McLean Professor of Ancient and Modern History.

3. The Professor shall be elected by the President and Fellows, and his election shall be submitted to the Board of Overseers for their assent and confirmation.

4. The Professor, after his election, and before entering on the execution of the duties of his office, shall make and subscribe a declaration and promise, before the President and Fellows, that he will with diligence and fidelity, and according to the best of his ability, discharge the duties of his office, according to these statutes, and such other statutes, laws, and regulations as are or may be duly made for the government of the College; that he will labor to advance the interests of science and literature; that by his example, as well as otherwise, he will endeavour to promote piety and virtue; and that he will at all times consult the good of his pupils, and of the College, in every respect.

5. The McLean Professor shall hold his office by the same tenure generally as the other professors on foundations, and shall be subject to removal by the President and Fellows for any cause by them deemed just and sufficient, the Overseers consenting thereto.

CHAPTER II.

Of the Duties of the Professor.

1. It shall be the duty of the McLean Professor, always keeping in view the objects contemplated by the founder of this Professorship, to instruct the students of the College, and such others as may be permitted by the Corporation to attend the exercises, at such times, and in such manner, as may hereafter be more particularly specified, in ancient and modern history, by public and private lectures, by recitations and other suitable means. And it shall be the duty of the Professor, by the scope and general course of his instructions, to point out and connect the great events and epochs of history, to illustrate their causes and consequences, and their influence in advancing or retarding the progress of civilization and general improvement in the social condition of man, and to aid the minds of his pupils in forming just views of the philosophy of history. He shall be at liberty, if he think it expedient, to give out questions to be answered by his pupils in writing, or propose subjects for historical discussions or written dissertations.

2. It shall be his duty, from time to time, to point out and recommend suitable books for the use of the students of history, adapted to their respective stages of advancement. It shall also be his duty to pay a just attention to the progress of historical literature, both in the United States and elsewhere, and to acquaint himself with the character and merits of such historical works as have been recently published, or may be hereafter published, at home or abroad.

3. It shall be the duty of the McLean Professor to reside in the town of Cambridge, and to perform the duties and exercise the powers of a member of the immediate government, unless the President and Fellows shall, by their vote, from time to time, otherwise permit, order, or direct.

CHAPTER III.

Of the Residence, Rank, and Privileges of the Professor.

1. The McLean Professor may be exempted from the duty of residing at Cambridge by a vote of the Corporation, for such time as they may deem it expedient; and, whilst so exempted, he shall not be considered as a member of the immediate government, nor take part in the discipline and general government of the College, except to the extent and in the manner hereinafter expressed.

2. The said Professor shall enjoy all the privileges and rank which appertain of right to the Professors of the College. He shall have the same power of imposing fines or other penalties, whilst exempted from residence, that belongs to any single professor.

3. The said Professor, whilst exempted from residence, shall have and enjoy all the authority whilst delivering his lectures, and generally in the exercise of his official duties, and in his intercourse with the students, as to the preservation of order and decorum, and the regulation of the deportment of the students, which other professors are entitled to exercise; and for any indecorum during his exercises, or any insult offered to him there or elsewhere, the students shall be subject to such penalties as are provided in like cases as to the other officers of the College, which penalties it shall be the duty of the immediate government, after due consideration, to apply.

APPENDIX.

At a Meeting of the President and Fellows of Harvard College, May 14, 1817 : —

Voted, That some counsellor, learned in the law, be elected, to be denominated University Professor of Law, who shall reside in Cambridge, and open and keep a School for the instruction of graduates of this or any other University, and of such others as, according to the Rules of Admission as Attorneys, may be admitted after five years' study in the office of some counsellor.

2. That it shall be the duty of this officer, with the advice of the Royall Professor of Law, to prescribe a course of study, to examine and confer with the students upon the subjects of their studies, and to read lectures to them appropriate to the course of their studies and their advancement in the science ; and generally to act the part of a tutor to them, in such manner as will best improve their minds and assist their requisitions.

3. The compensation from this instruction is to be derived from the students ; and a sum not exceeding one hundred dollars shall be paid by each one who shall attach himself to the School ; but this sum shall be subject to be reduced hereafter by the Corporation, if, in their judgment, the emoluments of the School shall make such reduction reasonable and consistent with the interest of the establishment.

4. The students shall have access to the College Library, on such terms as the College government shall prescribe ; and

a complete Law Library shall be obtained for their use as soon as means for that purpose may be found.

5. The students shall be permitted to board in Commons on the same terms as other members of the College ; and such accommodations shall be afforded them in respect to lodging-rooms as may consist with the urgent claims of the existing establishment.

6. As an excitement to diligence and good conduct, a degree of Bachelor of Laws shall be instituted at the University, to be conferred on such students as shall have remained at least eighteen months at the University School, and passed the residue of the novitiate in the office of some counsellor of the Supreme Court of the Commonwealth, or who shall have remained three years, or, if not graduates of any college, five years, in the School, provided the Professor having charge of the same shall continue to be a practitioner in the Supreme Judicial Court.

7. The students shall have the privilege of attending the lectures of the Royall Professor of Law free of expense, and shall have access to the other lectures of the University usually allowed to be attended by resident graduates, without charge, or for such reasonable compensation as the Corporation, with the assent of the Overseers, shall determine.

8. The Law Students shall give bonds for the payment of the College dues, including the charge of the Professor for instruction, which shall be inserted in the quarter bills, and collected by the College officer ; and the sums received for instruction shall, when received, be paid over by the said officer to the Professor.

9. The Law Students shall be on the same footing, generally, in respect to privileges, duties, and observance of all College regulations, as by the laws pertain to resident graduates.

10. The University Professor of Law, after his election and before his induction, shall make and subscribe before the President and Fellows of the College a declaration similar to the declarations required of the other professors.

At a special Meeting of the President and Fellows of Harvard College, in Boston, August 1, 1846, *the following Report was made and adopted.*

The Committee respectfully recommend, that the votes passed at a meeting held 20th August, 1829,* as a modification of the Statutes of the Royall Professorship, numbered 3, directing that the Dane Professor be considered, for the present, and until the further order of the government, as the head of the Law Department in the University, be rescinded, and in lieu thereof it be declared and enacted, That the senior Professor, for the time being, be considered the head of this Department in the University ; also, that part of the same article, which provides that the Royall Professor shall have the immediate charge and oversight of the students, be rescinded, and in lieu thereof it be declared and enacted, That the Dane Professor of Law and the Royall Professor of Law shall equally and jointly have the charge and oversight of the students ; so that the clause of said article, when amended, shall stand as follows : —

3. The senior Professor of Law, for the time being, is considered as the head of this Department of the University. It shall be the duty of the Dane Professor and the Royall Professor to devise and propose, from time to time, to the Corporation such a course of instruction in the Law School as may best promote the design of that institution and the interest and honor of the University, and to do all in their power to promote those objects. They shall equally and jointly have the charge and oversight of the students, meeting them frequently, at stated periods, to ascertain their progress, to assist in and stimulate their studies, and to explain and remove such doubts and embarrassments as may occur in the course of their reading.

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* Page 35.

At a special Meeting of the President and Fellows of Harvard College, in Boston, July 25, 1846 : —

Voted, That the following words be added to the first condition for a Medical Degree : * — " And that he is of good moral character." So that the whole shall read : — " He shall satisfy the Faculty that he has arrived at the age of twenty-one, and that he is of good moral character."

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* Page 52.

TWENTY-SECOND

ANNUAL REPORT

OF

THE PRESIDENT

OF

THE UNIVERSITY AT CAMBRIDGE,

TO

THE OVERSEERS,

EXHIBITING

THE STATE OF THE INSTITUTION

FOR THE ACADEMICAL YEAR

1846–47.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.
1848.

REPORT.

To the Honorable and Reverend,

The Overseers of the University at Cambridge.

In pursuance of the orders of the Board of the 9th of February, 1826, and of the 11th of June, 1829, the undersigned, President of the University, respectfully submits the following Annual Report. On this occasion he has entered somewhat more into the detail of the history of the University, for the past year, than has been usual heretofore. His motives for so doing have been to spread more distinctly before the Overseers the condition and working of the several departments of the institution; and to preserve, in an easily accessible document, an authentic record of facts, which may be of interest to the future historian of the seminary. This remark applies particularly to some of the lists, which now for the first time appear in the Appendix to the Annual Report of the President.

I. Professional Schools.

1. *Divinity School.*

No event of great interest has occurred in this branch of the institution since the last Annual Report. It appears from the statements of the Professors, that the ordinary course of instruction has been carried on, in the various departments, with an attention on the part of the Students satisfactory to the instructers.

A bequest of one thousand dollars was made to the School in the course of the past year, by the late Abraham W. Fuller, Esq., which, while it forms an important addition to the funds of the institution, entitles the liberal donor to an honorable place among the benefactors of the University.

2. *Law School.*

In the Annual Report of the undersigned for the last academic year, he communicated to the Overseers the election, on the part of the Corporation, of Professor Greenleaf, to supply the place of the late Mr Justice Story, and that of the Hon. William Kent, of New York, as Royall Professor in the place of Mr Greenleaf. This arrangement was in a high degree satisfactory to the friends of the University and the public. The instructions of the Royall Professorship were given by Judge Kent to universal acceptance during the academic year. At the close of this period, circumstances of an imperative nature connected with the declining health and approaching dissolution of his father, the venerable Chancellor Kent, compelled the newly elected Professor to resign his trust. No time was lost by the Corporation in supplying the place ; and they soon had it in their power to engage the services of Chief Justice Parker of New Hampshire ; a gentleman whose distinguished character as a jurist and a magistrate justifies the most confident expectations of his success, in the important position to which he has been chosen on the part of the Corporation. The official engagements of Chief Justice Parker made it impossible for him to enter upon the discharge of his duties, till the commencement of the Second Term of the present academic year.

With a view to the farther increase of the means afforded by the institution for the acquisition of a thorough education in all the branches of the great science of Law, the Corporation have appointed the Honorable Henry Wheaton, late Minister of the United States to the Court of Prussia, to deliver a full course of lectures on the Civil Law and the Law of Nations. It is expected that this course will extend through one full academic year. The reputation of the distinguished lecturer as a civilian, the high repute of his published works on international law, and his diplomatic experience, are too well known to be the subject of comment in this place.

The condition of the Law School does not at this time admit of the establishment of a permanent Professorship of Civil and International Law ; but the President is not without hopes that the success of the present experiment will be such, as to warrant the Corporation in recommending the foundation of such a Professorship, at no distant period.

The number of Law Students is about the same as at the commencement of the last academic year, — a satisfactory indication that the public confidence in the School remains unimpaired, by recent changes. The appointments made the present term, and which will be duly submitted to the Overseers, are such as to warrant the hope, that this confidence — hitherto so liberally enjoyed by the institution — will be confirmed and strengthened. At the same time, it may be proper to state, that law schools are springing up in considerable numbers, and in some instances under the most respectable auspices, in different parts of the Union. The names of fifteen or sixteen institutions already organized or projected have been given to the public ; and it would be no matter of surprise should they divert to establishments nearer home a portion of those who might otherwise come to Cambridge. It will be the steady aim of the Corporation, by engaging the highest professional talent in the chairs of instruction, by constantly adding to the library, already, it is believed, the largest law library in the United States, and by every other mode of increasing the advantages of the School, to sustain the honorable name which it has hitherto enjoyed, and, if possible, to render it more and more worthy of public confidence.

As a subsidiary influence toward this end, the Corporation determined, in the course of the current academic term, to establish prizes for the best dissertations written upon questions or subjects proposed by the Law Faculty to the members of the School. The arrangements to carry this purpose into effect will form one of the subjects of the President's report for the following year.

3. *Medical College.*

Events of high interest to the Medical College have occurred during the past year, indicative of its present good condition and auspicious of increasing prosperity. The new edifice erected for its accommodation in Grove Street was opened on the 6th of November, 1846. This edifice affords very ample accommodation for all the purposes of the institution, and its vicinity to the Hospital will greatly promote the convenience of the Students.

At the close of the last academical season, Dr John C. Warren, having, first as adjunct Professor to his honored father, and afterwards as Professor of Anatomy and Surgery, devoted

his zealous and untiring efforts for more than forty years to the service of the School, resigned his place, and received from the Corporation and Overseers the honorary appointment of Professor *Emeritus*. Occasion was taken of this event by the Corporation, on the recommendation of the Medical Faculty, to make some changes in the organization of that department. It was determined that the Professorship held by Dr Hayward, under the name of the "Principles of Surgery and Clinical Surgery," should be called the "Professorship of Surgery"; that a new Professor should be chosen, to be called the "Parkman Professor of Anatomy and Physiology," whose duty it should be to lecture at the Medical College, (this name being given to the new Professorship in honor of Dr George Parkman, by whom the lot of land on which the new Medical College is built was presented to the University); that a new Professor should be chosen, to be called the "Professor of Pathological Anatomy and Curator," who should have the care of the anatomical museum; and, lastly, that a new Professor should be chosen, to be called the "Hersey Professor of Anatomy," to lecture at Cambridge, and not to be a member of the Medical Faculty. These several arrangements were approved by the Overseers, with whose concurrence Dr Oliver Wendell Holmes was elected Parkman Professor of Surgery; Dr John Barnard Swett Jackson was elected Professor of Pathological Anatomy and Curator; and Dr Jeffries Wyman, Hersey Professor of Anatomy. These several appointments are believed to be entirely satisfactory both to the medical profession and the public. The newly chosen Professors are marked out by eminent talent, by proofs of professional learning already afforded, and by acknowledged peculiar fitness, in their respective departments, for the chairs to which they have been severally called. Their accession to the School, in coöperation with their respected associates previously engaged in its instruction, may be safely relied upon as likely to mark an era of increased activity and usefulness.

About the period of his retirement from the Professorship so long and ably filled by him, Dr Warren expressed the intention of presenting to the University, for the use of the Medical College, a large and valuable collection of anatomical preparations, partly made by himself during a professional career of nearly fifty years, partly the work of accomplished collaborators, and

partly acquired by purchase in this country and in Europe. This intention has since been carried into effect. A letter from Dr Warren announcing his purpose, with an historical note on the formation of this museum, is appended to this report. The collection has already been advantageously arranged in a spacious hall appropriated for its reception in the new Medical College, where interesting and costly additions to it have already been made by donations from Dr Hayward, the Professor of Surgery, and Dr William R. Lawrence. With a view to a permanent provision for its insurance, and to furnish a fund for its increase, Dr Warren has presented the sum of five thousand dollars to the Corporation, the interest of which is to be applied to the purposes indicated. This munificent donation secures the perpetuity and growth of the collection, which will no doubt, by the zeal and liberality of the successive Professors of the School, and of the friends of medical education, increase with the progress of professional science. In commemoration of the liberality of the founder, and of the faithful, accomplished, and zealous services devoted for two generations to the interests of the Medical School, it has been ordered by the Corporation that this collection should be known and designated as the "Warren Anatomical Museum."

4. *The Lawrence Scientific School.*

The Overseers will bear in mind, that, at the last legislative session of the Board, the general plan of organization for an advanced school of instruction was submitted by the Corporation and approved by this body. It was the object of the government of the University, in this way, to meet a want more and more felt in the community, — that of a place of systematic instruction in those branches of science which are more immediately connected with the great industrial interests of the country; such as Chemistry in its various applications to the arts of life; Engineering in its several departments; Zoölogy and Geology, with the other kindred branches of natural history. While provision was made for advanced and systematic instruction in the practical sciences, as they are sometimes called, it was not intended to exclude a higher training in philological and classical learning, especially with a view to the formation of accomplished teachers for classical schools and colleges. Such were the gen-

eral objects of the plan submitted by the Corporation, which the subscriber had the honor of unfolding somewhat more in detail at the meeting of the Board on the 18th of February last. The Overseers having approved the plan, arrangements were made by the Corporation to carry it into execution. As there were no funds at that time from which appropriations could be made for any part of the plan, the sole dependence for all purposes was upon the voluntary exertions of the Professors already established at Cambridge, and upon the use of the public college buildings, and the scientific collections of the University.

At this stage of the proceedings, a communication was received from the Honorable Abbott Lawrence of Boston, announcing the munificent donation of fifty thousand dollars, for the endowment of the Scientific School; the largest sum, it is believed, ever bestowed on a place of education in this country, in one gift, by a living benefactor. The views and objects of Mr Lawrence in this munificent donation are set forth with so much distinctness and force in his letter above alluded to, that the President has thought it would form a very proper addition to the present report.

In consequence of this noble accession to the means at their command, the Corporation thought it might be expedient to delay the opening of the School, till they should be able to fill the Professorships contemplated in Mr Lawrence's donation. In the mean time, in grateful acknowledgment of his liberality, and for the perpetual commemoration of an act of such enlightened munificence, it was voted by the Corporation, on the day of the last annual Commencement, that the institution should be for ever known and designated as the "Lawrence Scientific School in the University at Cambridge."

The attention of the Corporation was immediately turned to the selection of candidates best qualified for the new Professorships. For the chair of Zoölogy and Geology they had the good fortune to command the services of Mr Louis Agassiz, late Professor of Natural History at Neuchatel. His appointment will be submitted to the Overseers at their approaching session. This gentleman was already known by reputation, founded on several works in Natural History, as one of the most gifted, laborious, and successful philosophers of the day. He has, during the past and present seasons, made himself personally known to the naturalists and the friends of science generally

in the United States, by his courses of lectures on several departments of Natural History, delivered before crowded and intelligent audiences, and with unsurpassed success. This distinguished gentleman has accepted the Professorship of Zoölogy and Geology, and is prepared to enter upon the discharge of its duties, at the commencement of the next academic term.

The Corporation have not been equally fortunate in reference to the department of Engineering. The great demand for active services in that branch, in superintending the railroads and other public works in progress throughout the United States, has hitherto put it out of the power of the Board to fill that Professorship. Their attention is, however, steadily given to the subject, and no time will unnecessarily be lost, in putting this important department into activity.

In the department of Chemistry, a course of special instruction has been already commenced by Mr Horsford, whose election as Rumford Professor was confirmed by the Overseers at their last legislative session. An apartment in University Hall was temporarily fitted up last summer for the purpose, and several young gentlemen have been employed as special Students in Chemistry during the late academic term. Applications were made by others, but owing to the somewhat limited accommodations, and other circumstances connected with the entrance of the Professor upon his duties, a larger resort of Students was not desired nor encouraged. But the President forbears to enter into details which will belong to the Report of the next academic year.

II. Academical Department.

The interests of the Professional Schools, though steadily growing in importance, have in no degree relaxed the attention which it is at all times the duty of the Corporation to bestow upon the Academical department, or College proper; constituting, as it ever must, the basis of the institution, as a place of liberal education. The ordinary course of instruction has been carried on during the past year, as will appear from the reports of the instructers herewith submitted, and some new arrangements of importance have been made with a view to its greater efficiency.

The instruction of the three higher classes in Latin was con-

ducted, during the Second Term of the past academic year, by Mr George M. Lane of the Class of 1846, in the place of Professor Beck, who had leave of absence for one term to visit his native country. This indulgence was by the Corporation thought justly due to the long, faithful, and efficient services of the Professor. The duties of the department were performed with entire success by Mr Lane.

The Greek tutorship having been resigned by Mr James C. Merrill, after three years of assiduous devotion to its duties, was again intrusted by the Corporation to Mr Evangelinus A. Sophocles, who filled the place with great ability a few years since. Mr Sophocles's thorough knowledge of the language and literature of his native country is well known to the Overseers and the public.

In the department of Mathematics, the instruction of the Freshman Class has been conducted by Mr Francis J. Child, chosen Tutor for that purpose in the summer of 1846. For the three other classes, the Mathematics continued to be an elective study, the instruction being given as heretofore by the Perkins Professor.

In the course of the past academic year, a considerable change in the plan of study was recommended by the Faculty to the Corporation, and by them approved. It consisted in confining the elective system to the two higher classes. It has hitherto commenced with the Sophomore year. In virtue of this change, the study of the Mathematics and of the Latin and Greek languages has been continued for the present term by the whole Sophomore Class, and the French language has been placed among the studies required of that class, and taken out of the list of the elective studies of the two higher classes.

As this change, though determined on last spring, has only taken effect with the present year, further details of its operation, and of some minor arrangements introduced at the same time, will be properly deferred to a future report.

In the course of the past year, a change was made in the administration of the beneficiary fund of the College. The aggregate income of this fund amounted the past year to nearly fourteen hundred dollars. A considerable portion of the bequests yielding this income were made in such a way, as to leave the particular manner of appropriating it entirely at the discretion of the Corporation. Having reason to think that it

would be more agreeable to some of the applicants to receive pecuniary aid from the institution as a loan than as a gift, the Board determined to divide the income of the fund into two equal portions; to continue to grant one half as a gratuity, and to grant the other half in the form of loans, to be repaid at a future period by the borrowers, who might prefer to receive it in that way. This change was introduced in the distribution of the fund in June last, at which time $963.75 were appropriated gratuitously and $415.00 in the form of loans, that being the preference of nearly all to whom it was so granted. The Overseers will perceive that, in the course of time, a steadily growing and eventually a very important augmentation will thus be effected in the funds of the College applicable to this purpose.

The "loan fund" of the institution, properly so called, is in a highly prosperous condition. This fund, though not controlled nor apportioned by the Corporation, but by a Board of Trustees created for that purpose, is exclusively applicable to the aid of students pursuing an education at Cambridge. The income of the last year exceeded eleven hundred dollars. During about ten years that this fund has been in operation, it has been increased above one thousand dollars, by payments of interest and reimbursements of loans.

In addition to the aid derived to meritorious students from these funds, the compensation of the various monitorships and other academical offices filled by students exceeds the sum of three hundred dollars *per annum*, making, at the present time, an aggregate of nearly three thousand dollars, annually appropriated for the assistance of meritorious students in narrow circumstances. It is scarcely necessary to add, that the impartiality with which these funds are distributed among the applicants has never, within the knowledge of the President, been impeached. They are appropriated in sums generally ranging from twenty to fifty or sixty dollars to each successful applicant. As the two funds are not exclusive of each other, those who receive a dividend from both obtain a sum often more than adequate to the payment of their College bills (exclusive of board), and always defraying a considerable part of them. The amount received by each individual must, however, depend upon the number of applicants deemed entitled to a share.

III. Scientific Establishments.

1. *Observatory.*

Before proceeding to speak of the discipline of the institution, the attention of the Overseers is invited to the condition of the scientific establishments.

In the course of the past year the great refracting telescope, ordered a few years since from Munich, was received, and was set up without accident in the Observatory. The object-glass of this magnificent instrument reached New York a few days before the 1st of December, 1846, thereby escaping the very heavy duty, which would have amounted in this case to between $ 3000 and $ 4000, imposed by the existing tariff law on philosophical apparatus imported for seminaries of learning. The tube and machinery were received later, and paid the duty, to the amount of more than eight hundred dollars.

The Overseers will recollect that it was stated in the Report of the President last year, that a memorial had been addressed to Congress by the President and Fellows, praying for the remission of the duty on the tube of the telescope, and requesting a restoration of the privilege heretofore enjoyed of a free importation of books and apparatus for the use of places of education. The other collegiate institutions of the country were invited to join the last-named application, and generally did so. These applications were favorably considered by the Committee of Ways and Means, and a bill was reported to give effect to the prayer of the memorialists. It unfortunately failed to become a law ; but not, it is believed, from an unwillingness on the part of a majority of Congress to give effect to its provisions. A renewed attempt to effect the object will be made at the present session of Congress.

The telescope has answered the most sanguine expectations of its efficiency. It is of the same size with the telescope at Pulkova, and made at the same establishment. With this exception, it is the largest refracting telescope in the world. Its performance thus far is believed to entitle it to the reputation of being the most efficient instrument of its class. The severest tests of the power of telescopes are the separation of stars, which to the naked eye and to instruments of inferior power ap-

pear as one, and the resolution into distinct points of light of those nebulous masses, which have of late years occupied so much of the attention of astronomers. The performance of the new telescope in both respects is equal to that of any other instrument. The resolution of the great nebula in Orion, which at first resisted the power of Lord Rosse's colossal reflector, and was in the result of subsequent observation mentioned by him as a fact rather to be confidently believed than actually ascertained, has been placed beyond question at the Observatory. Mr Lassell's discovery of a satellite to the new planet has, it is believed, been verified at no other observatory, and the discovery of a second satellite to Neptune has been nowhere else distinctly made. Farther details of great interest in reference to the telescope will be found in two letters of Mr Bond appended to this Report.

While the acquisition of this superior instrument is a just subject of congratulation with the friends of the University, the President feels it his duty to state that the situation of the Observatory in other respects is far from being satisfactory. The amount of contributions for the erection of the Observatory and the buildings connected with it and the purchase of instruments, liberal as they have been, amounting in the whole with accruing interest to nearly $ 26,000, yet falls short of the expenditure thus far incurred for those purposes by more than $ 35,000. The sum still due on a transit instrument not yet received will carry this balance to $ 36,000. The value of the surplus land purchased for the Observatory may reduce this unfavorable balance a few thousand dollars. Had it been proposed to the Corporation, at the inception of the work, to provide this large sum out of the treasury for the erection and furnishing of an observatory, they would have unquestionably considered the connection of such an establishment with the first object of the College as not sufficiently direct to warrant such an appropriation. Instruments far less costly and an inexpensive establishment are adequate to the wants of a place of education.

But, deeply sensible to the importance of astronomy in the circle of the sciences, and of its intimate relations especially with navigation, and aware of the incidental advantages possessed by the University for the direction and superintendence of an observatory, and as the residence of the accomplished

men of science to be employed in conducting it, the Corporation cheerfully undertook the duty of gathering the resources for this great work, and of superintending its erection and management; and they furnished for its use all their previously existing astronomical apparatus. As far as concerns the provision of funds, it was never their purpose to perform any other office than that of a trustee of the liberality of the friends of science and of the University. Should they go farther, and undertake to provide resources from the College stock for the erection and support of the establishment, it could only be by a diversion of their funds, which must ultimately lead to a curtailment of the means for carrying on the work of education.

The heavy sum for which the College is already in advance to the Observatory is a burden to the treasury, — a state of things rendered still more unwelcome by the fact that there is absolutely no permanent provision at present for the support of an Observer or his assistant. Fortunate as the University has been in having been able to engage the services of Mr Bond, at first for a merely nominal compensation, it is at present a matter of just solicitude with the Corporation, that there is no foundation for his support. The temporary subscription for that purpose, made by a few friends of science a short time since, expires with the present year. But the Corporation look with a grateful confidence, founded on experience, to the continued existence and operation of that noble public spirit and enlightened munificence, which have thus far been the great resource of the University, and which have given to Massachusetts a name and a praise throughout the Union. It is essential to her character, that this reputation should be maintained. Her influence, and her power to diffuse the principles she cherishes, depend upon it. Even her material prosperity, more perhaps than that of any other community, depends upon the moral causes which have hitherto given her so just a distinction among her sister States, for the cultivation of liberal arts and the promotion of sound learning.

2. *Apparatus and Cabinet.*

The valuable apparatus procured for the illustration of the lectures of Professors Bigelow and Treadwell on the Rumford foundation has been newly arranged and disposed in commodious cases, under the superintendence of Professor Horsford, and is now in

complete order. Some valuable additions were made, during the past year, to the Philosophical Apparatus, on the suggestion of Professor Lovering, for the illustration of the latest discoveries in Physics. The Cabinet of Minerals, besides valuable additions of less consequence, has been enriched during the last two years with a fossil Mastodon, as nearly perfect as any yet discovered, accompanied with a very valuable set of bones of the same animal; among them portions of the crania of five individuals of extreme scientific interest. The cost of this most valuable accession to the Cabinet, amounting to three thousand dollars, was defrayed by a subscription, on the part of the friends of the University, raised by the active exertions of Professor John W. Webster.

3. *The Library.*

This invaluable collection, so precious to the University and the public, continues steadily to increase. The means at the disposal of the Corporation for the purchase of books and the maintenance of the Library in perfect condition are less ample than could be wished, and it is greatly to be desired that its use might be afforded gratuitously to the members of the institution. This, however, is impossible in the present state of the College funds. The annual charge to the Students of the two lower classes was, however, the year before the last, somewhat diminished.

Among the valuable additions made by the liberality of individuals and public bodies, in the course of the year, may be enumerated the Journals and other public documents published by order of several States of the Union. The States of Maine, Vermont, Rhode Island, Michigan, and Florida have passed resolutions directing copies to be presented to the Library, not only of the public documents heretofore printed, but of those which may be hereafter printed by those States respectively. Similar resolutions have been passed by several of the municipal bodies in the vicinity, and by the city of New York, from whose government the very valuable donation of ninety-four volumes of documents, with a large and valuable map of the city, has been received during the past year. These donations have been procured through the active exertions of the Assistant Librarian, Mr J. L. Sibley. The great importance of public collections, into which every thing pertaining to the history of the country finds its way, with the extent of the collections already existing

at Cambridge, larger, it is believed, in the department of American history than any other in the country, are circumstances which authorize the hope that other States and public bodies will follow the example of those already mentioned.

It may be proper to observe, in this connection, that the public documents of Congress and the State of Massachusetts have, for some time past, been liberally furnished to the Library.

Among the donations received from individuals, in the course of the year, may be mentioned a valuable collection of Oriental works from the Rev. William Adam, formerly resident at Calcutta ; and other valuable collections of Oriental books and manuscripts from Mr Fitz Edward Hall of the Class of 1846, now resident in India, and from the Babu Rajinder Dutt, a learned native physician of Calcutta. Dr Ebenezer Hobbs of Waltham, in the course of the past year, presented to the Library a curious Japanese work on Botany, with delineations of the plants described, accompanied with a Dutch translation.

IV. The Discipline of the College.

The Appendix to the present Report contains the usual summary statements on this subject. In reference to attendance on the devotional exercises and literary duties of the institution, it would appear, on comparing these with similar statements of former years, that there has been decided improvement during the past year. The number of unexcused absences was perhaps never less ; and this has been owing, not to greater laxity in enforcing the laws, but to a more general and regular attendance.

The President regrets that it is out of his power to report a state of facts equally satisfactory, in reference to those offences which are visited by the heavier academic censures. In the spring of the past year, the institution being in a state otherwise of great tranquillity, a bonfire was kindled on the steps of University Hall, the building which contains the College chapel. This violation of the laws, which had obtained an alarming frequency, is, even in cases where no direct damage is likely to accrue, one of the most offensive and harassing description. The quiet of the institution, as well as the public peace, is disturbed ; a false alarm of fire is given, and this often

repeated from the same quarter impairs the readiness with which aid is afforded by the public in times of real danger. It is rarely that this offensive practice stops within the bounds of mischievous sport. The transition is easy and sure to be made to more serious attempts. Fences, sheds, workshops, summer-houses, and buildings in short of all kinds not protected by the law against arson, are marked out for destruction; and it is well even if this limit is not overstepped.

While the Faculty were engaged in endeavouring to ascertain the authors of the bonfire alluded to, and but a few days after it took place, fire was set in the evening to the doors of University Hall. The Corporation of the College, persuaded that it was their duty to take decisive measures to suppress a spirit so dangerous as that which appeared to exist on the part of some members of the society, directed information of this attempt to be given to the District Attorney, with a view to the institution of a criminal prosecution. At the same time they authorized the President to state to the body of the Students, that, provided a full confession were made by the guilty parties within forty-eight hours, the communication to the District Attorney should be withheld. No such confession was made. It so happened that the Grand Jury were not to be in session for nearly three months. Repeated efforts were made by the President in this interval to induce a confession, with a promise on his part, that, as far as depended on the Corporation, the prosecution should be withdrawn. These efforts were for a long time unsuccessful. A day or two before the meeting of the Grand Jury, a full confession was made; and farther proceedings at law were suspended.

The President united with the other members of the Corporation in the desire that this unpleasant affair might be disposed of, without farther intervention on the part of the civil magistrate. He may be supposed to have felt even a larger share than most others of that reluctance, in which every friend of the University must participate, at having the arm of the criminal law invoked against any of its members. He is, however, by no means confident, that real kindness would sanction this arrest of the course of justice, looking to the permanent well-being of the institution. As far back as the President has examined the records of the Faculty, he finds the peace of the College to have been disturbed, at short intervals, by the commission of what, if perpetrated in the community at large, would be deemed high

crimes and misdemeanours. Crimes of a grave character have been attempted, and sometimes committed, valuable property has been destroyed, risk of life has been caused, and the good name of the College seriously tarnished. The attempt to repress these excesses, by the infliction of academical censures, has been constantly made, and as far as lasting results are concerned has constantly failed. Criminal prosecutions have been often threatened and sometimes commenced, but generally, the President believes, with the purpose only of inducing confession. While the reliance on academic discipline has failed as a means of permanent and effectual repression, its administration has necessarily kept the institution in a state of almost permanent agitation; has caused the education and sometimes the prospects in life of many young men of promise to be blighted, many classes of Students to be decimated, and not a few to be broken up, and their members scattered, with feelings of abiding ill-will against the University.

It is not the least of the evils of this state of things, that much of the time of those members of the Faculty, on whom the care of administering the discipline of the University more particularly devolves (especially the President), is consumed and their energies exhausted, in the investigation, often protracted and laborious, and in the punishment of these disorders. Not seldom this takes place under the circumstance, so unfavorable to calm and impartial inquiry, that the acts to be proceeded against may be acts of disrespect and disaffection toward themselves. Although the College has of late, upon the whole, enjoyed a degree of tranquillity and order unknown, as the President is informed, for many years before, yet there has, perhaps, been no month, nor even week, in which some matter connected with discipline has not pressed painfully on his mind, and no academic term in which much of his time has not been occupied by inquiries of the most disagreeable nature.

It is sometimes vaguely said, that the disorders which so frequently prevail at colleges are but the effervescence of youthful spirits, — a kind of innocent mischief, which ought not to be viewed with deep concern, nor allowed to cause anxiety and distress to those intrusted with their government. This remark, the President admits, may be correctly made of *some* of the irregularities which take place at places of education; and as far as his observation goes, such irregularities are looked upon

with due indulgence. But the greater part of academical disorders are of a different description. At the best, they are acts of intentional disrespect toward college authority and those who administer it; and it is a law of our nature, that, between parties whose relation is confidential, — like that of the students and faculty of a university, — whatever is intended to wound and harass produces that effect, however slight in itself. In most cases, however venial in themselves, they furnish occasion to the unmanly vices of prevarication and falsehood. They are besides generally of seriously evil tendency; often essentially immoral; sometimes flagrantly profligate. To assume, in a general way, that actions which require to be thus characterized belong in the aggregate to the necessary, if not even the normal, state of a place of liberal education, and must for that reason be patiently submitted to by its governors and instructers, is not so much good-nature or resignation, as apathy and despair. It is a doctrine monstrous in its very terms, and, as far as it is acted upon, can have no other effect, than to cause the indefinite increase of the evil. It is no doubt the *quasi* toleration in places of education of what is tolerated nowhere else, that perpetuates conduct on the part of young gentlemen at college of which out of college they are never guilty. Is it not time that they were taught that they are not only in theory but in reality amenable to the laws of the land, and that it cannot be permitted to them to commit crimes and misdemeanours and call it sport? Is it not time that young men pursuing a liberal education were effectually admonished, that they must not expect impunity from what is really an aggravation; that there is but one law and one justice for all classes of the community; and that they are not to escape with academical censures for grave offences, which would send a friendless vagrant to the house of correction or the State's prison?

The President is apprehensive, that these views are not fully in accordance with public opinion; but he is persuaded that till they are adopted and acted upon, all material elevation of the character of our collegiate institutions is out of the question. If there were no other reason for this, it is impossible that heads and instructers of colleges should perform their duties as such with alacrity and success, while they are compelled to occupy themselves, for a considerable part of their time, in the appropriate functions of a police magistrate; functions not dis-

creditable in those to whom the law confides them, but equally humiliating and harassing to the instructers and governors of a literary institution; to whom, moreover, the law has given no power for their effectual performance.

These remarks are made with earnestness and a deep conviction, on the part of the President, that they are called for, but without bitterness. If any justification be needed for them, it may be found in the deplorable incidents, which, while he is committing these sentences to paper, have occurred at the most distinguished of the sister colleges in New England. It is scarcely necessary to repeat the remark made by the President in his former Annual Report, that he is far from supposing that the University at Cambridge contrasts unfavorably with the other collegiate institutions of the country, in point of discipline or morals. He is advised that the reverse is the case, by persons who have had the means of making the comparison. He believes that if the other colleges of the country were required, like this, to spread before the visitatorial body, and through them before the community, an annual detail of their condition and of the number and nature of the college censures incurred, no one of them would better stand the test of such publicity. He renders full justice to the exemplary conduct, high principle, and untiring industry of many of the students, and to the gentlemanly deportment of the major part; and he is bound gratefully to acknowledge, that, during the short period of his connection with the institution, he has witnessed decided improvement in several important respects.

The President would especially record his satisfaction at a marked improvement, in reference to the attendance and deportment of the Students in the chapel at morning and evening prayers. Without adverting to the higher considerations which belong to this subject, he would observe that, in respect to the quiet and order of the seminary, he believes the first object to be attained is a regular and decorous attendance of the whole body of the Students at the daily devotions of the academic family. Where this exists, the institution will almost invariably be found to prosper in every other department; while great and habitual deficiency here will be felt throughout the whole system. Much of his attention has accordingly been given to this object; and, notwithstanding some serious obstacles and some discouragements, he is happy to say on the whole with gratifying success. But there is much room for farther improvement.

Among the obstacles must be mentioned the highly objectionable arrangement of the chapel itself. The last Annual Report of the President dwelt particularly on this point. The College chapel is one among several apartments in University Hall. The externals of a church are of course wholly wanting. The interior aspect of the hall has but little of the appearance of a place of worship. The basement of the building contains the kitchen, the commons halls, store-rooms, and lodging-rooms for some of the servants employed in the kitchen establishment. The ground-floor contains the lecture-room of the Professor of Natural Philosophy, and the room containing the apparatus which belongs to that department; the lecture-room and temporary laboratory of the Rumford Professor, with the room containing the Rumford apparatus; and two recitation-rooms. The main floor contains two recitation-rooms at either end, and in the central portion of the building on this floor is the Chapel, which is likewise used three times a year for the literary exhibitions of the College. The two recitation-rooms opposite the south end of the chapel also serve, the one as a reception-room and the other as a dining-room for the committees of the Overseers. There are four more recitation-rooms, two at the north and two at the south end of the building, in the third story. In immediate connection with the basement, and separated from it only by a narrow court-yard, are the offices pertaining to the kitchen.

This enumeration has been given for the purpose of showing, more distinctly than it could otherwise be done, how entirely the College chapel is deprived by its position of every association pertaining to a place of worship and every circumstance favorable to its character as such, and to what extent it is surrounded by associations and circumstances of the opposite kind. Without indulging overstrained feelings as to the sanctity of places consecrated to religious ends, the laws of our nature establish the incongruity, not to say the impropriety, of arrangements like that now described.

Shortly after the entrance of the undersigned upon the presidency, he invited the attention of the Corporation to this subject, and had the satisfaction to find their views in entire accordance with his own. Some positive steps were taken in reference to a new building, exclusively devoted to religious purposes. A more accurate acquaintance with the finances of the University than he then possessed, and a nearer contemplation of the

necessary expense of a chapel built of permanent materials, and with due regard to architectural taste and effect, have brought him reluctantly to the conclusion, that such a building is entirely beyond the means at the command of the Corporation ; and that if this desirable object is to be effected, recourse must be had to the Christian liberality of the children and friends of the University. The President regards it as a want of the institution not inferior to any other in urgency. If no other fountain of munificence is opened, he would respectfully propose, for the consideration of the great body of the *Alumni*, whether they could achieve a nobler monument of their gratitude, or furnish a more signal proof of their attachment to their *Alma Mater*, than by the erection of a House of Prayer for her service.

All which is respectfully submitted by

EDWARD EVERETT,

President.

Cambridge, 31 *Dec.*, 1847.

PAPERS SUBMITTED WITH THE FOREGOING REPORT.

I.

To the President of Harvard University.

Dear Sir, —

The Collection of Anatomical Preparations, which I have with much interest and pleasure been making since the year 1800, is now deposited in the room prepared for it in the Medical College, in Grove Street, Boston. It occupies the entire room, except about one third of the gallery.

My long connection with the University, my interest in its prosperity, and my desire to contribute to the improvement of medical education, led me many years since to make a provision for bequeathing it to the University; but, it having pleased Him who gave me existence to continue it to this time, I am enabled to present it during my life.

This Collection I now propose to give to the University at Cambridge, for the use of the Medical College, together with five thousand dollars of stock in the Pittsfield and North Adams Railroad, — guaranteed by the Western Railroad to pay an interest of six per cent., or three hundred dollars per annum, for thirty years, — on the following conditions: —

First, The Collection shall be kept insured perpetually for a sum not less than ten thousand dollars. In case of loss, the sum recovered from the insurance to be applied to forming another collection for purposes similar to those for which this is intended.

Second, The Preparations shall be maintained in good order, and shall be increased as fast as the income of the funds will admit; meaning, that the income shall be applied to this object after paying the insurance before named.

Third, That this Anatomical Museum shall be annually inspected, as are other collections in the University, by a committee appointed for the purpose, of which one of my descendants shall be a member, provided there be such descendant residing in the vicinity and willing to attend to the duty.

Should it please the Government of the University to accept the proposed donation with the foregoing conditions, I will cause the stock to be transferred to them on the first day of January next.

I have the honor to be, respectfully,

Your friend and servant,

John C. Warren.

Boston, Dec. 16, 1847.

History of the Anatomical Collection deposited in the Massachusetts Medical College in Boston, November 1st, 1847.

The importance of illustrating the structure of the human body by preparations displaying the different organs has been well understood in Europe for more than a century. While pursuing my medical studies in London, in the years 1799 and 1800, I learnt the mode of making these preparations,

and, with the hope of aiding my predecessor in his lectures, formed a small collection, which I brought home about the end of 1802. In the beginning of these labors I had the assistance of my friend, Mr. Senter, of Newport, at that time a fellow-student in Guy's Hospital, and, with myself, the only person engaged in this way in that great institution. After a short and brilliant career, Senter died, and I purchased his collection from his heirs.

In 1809, three years after being appointed Adjunct Professor, my predecessor in office and myself formed an Anatomical Theatre and a Dissecting-room at No. 49, Marlboro' Street. At that time being able to obtain a considerable number of subjects, I had great opportunities for prosecuting this labor, and by the year 1816, when we removed to the Medical College in Mason Street, the number of preparations was sufficient to occupy a room in that building.

The Medical School increasing gradually, I was encouraged to purchase preparations occasionally, at the same time occupying myself, and such students as exhibited the necessary talent and industry, in increasing the collection. Some specimens belonging to the Linnæan Society, and given, on its dissolution, to Harvard College, were deposited with me for preservation. Most of these were sent to the Museum at Cambridge, but some of them I received authority to add to the Museum in the Massachusetts Medical College. In 1830 my son, Dr J. Mason Warren, purchased in Paris preparations to the amount of two thousand dollars.

By the year 1834, the collection had so much increased as to require additional room. On representing this to the late Treasurer, T. W. Ward, Esq., that gentleman applied to the Corporation, and it was settled, that, on my paying the sum of one thousand dollars, the Corporation would appropriate as much, for the erection of a new dissecting-room, and the arrangement of the old one for the anatomical collection.

Soon after this, going to Europe, I made large purchases in different cities; particularly, I had specially prepared at the Hospital St. Louis a number of wax pieces, exhibiting lively representations of the small-pox, and other diseases of the skin.

I ought not to omit to mention the names of those who have from time to time assisted in my labors. In the incipient state of the collection, great assistance was given me by Dr William Gamage, Jr, of Cambridge, an able anatomist and learned physician. Drs Winslow Lewis, J. Mason Warren, Jeffries Wyman, and Samuel Parkman have afforded much time and valuable aid. I am also indebted for occasional donations, among others, to Dr James Jackson, Professors Channing, Hayward, Webster, and J. B. S. Jackson, Drs A. L. Peirson and Winslow Lewis.

The preparations brought home in the year 1838, and a large number purchased by Dr J. M. Warren, at the expense of about one thousand dollars, on his second visit to Europe, increased the collection so much that it began to be an object of curiosity to medical students and others, and a desire was manifested of having the collection opened to the Medical School. President Quincy applied to me on the subject, and expressed a wish that this desire should be gratified. On investigation, however, he and other gentlemen of the Government of the University were satisfied that the exposed state of the preparations would render this objectionable, without some additional protection. But the Corporation did not think themselves justified in appropriating any thing for this object. Notwithstanding the want of security to the preparations, the desire manifested by medical students to see the collection as a whole was so strong, that, some years since, I adopted the practice of admitting the Class occasionally.

The increase in the number of students, and the defective accommodation of some of the Professors, having led to the construction of the new College, a spacious and elegant room was appropriated to the reception of the Anatomical Cabinet, in which the collection could be fairly displayed, and sufficiently protected; thus affording the requisite means for opening the new Museum to the inspection of medical students and others interested in

medical science. The preparations have been accordingly deposited there, and presented to the University for the use of the Medical School.

JOHN C. WARREN.

The foregoing communication from Dr Warren having been submitted to the Corporation by the President, on the 27th December, the following resolutions were adopted by the Board: —

Voted, That the Corporation receive with great sensibility this new and distinguished proof of the enlightened interest taken by Dr Warren in the prosperity of the Medical College; that they accept with gratitude his munificent donation on the conditions proposed in his letter to the President of the 16th instant, and will also recommend to the Overseers to give effect to the same, in appointing the committees of examination.

Voted, That in commemoration of the liberality evinced by Dr Warren in this donation, and of the zealous, long-continued, and faithful services of himself and his honored father for the promotion of medical education, the collection of anatomical preparations now presented by Dr Warren to the President and Fellows be known and designated as the "Warren Anatomical Museum," and that this name be placed in gold letters over the door of entrance to the Museum.

II.

TO THE HON. SAMUEL A. ELIOT, TREASURER OF HARVARD COLLEGE.

Boston, June 7th, 1847.

MY DEAR SIR, —

I have more than once conversed with you upon the subject of establishing a school for the purpose of teaching the practical sciences, in this city or neighbourhood; and was gratified when I learned from you that the government of Harvard University had determined to establish such a school in Cambridge, and that a Professor had been appointed who is eminent in the science of Chemistry, and who is to be supported on the foundation created by the munificence of the late Count Rumford.

For several years I have seen and felt the pressing want in our community (and, in fact, in the whole country) of an increased number of men educated in the practical sciences. Elementary education appears to be well provided for in Massachusetts. There is, however, a deficiency in the means for higher education in certain branches of knowledge. For an early classical education we have our schools and colleges. From thence the special schools of Theology, Law, Medicine, and Surgery receive the young men destined to those professions; and those who look to commerce as their employment pass to the counting-house or the ocean. But where can we send those who intend to devote themselves to the practical applications of science? How educate our engineers, our miners, machinists, and mechanics? Our country abounds in men of action. Hard hands are ready to work upon our hard materials; and where shall sagacious heads be taught to direct those hands?

Inventive men laboriously reinvent what has been produced before. Ignorant men fight against the laws of nature with a vain energy, and purchase their experience at great cost. Why should not all these start where their predecessors ended, and not where they began. Education can enable them to do so. The application of science to the useful arts has changed, in the last half-century, the condition and relations of the world. It seems

to me that we have been somewhat neglectful in the cultivation and encouragement of the scientific portion of our national economy.

Our country is rapidly increasing in population and wealth, and is probably destined in another quarter of a century to contain nearly as many inhabitants as now exist in France and England together.

We have already in the United States a large body of young men who have received a classical education, many of whom find it difficult to obtain a livelihood in what are termed the learned professions. I believe the time has arrived when we should make an effort to diversify the occupations of our people, and develop more fully their strong mental and physical resources, throughout the Union. We have, perhaps, stronger motives in New England than in any other part of our country, to encourage scientific pursuits, from the fact that we must hereafter look for our main support to the pursuit of commerce, manufactures, and the mechanic arts; to which it becomes our duty, in my humble judgment, to make all the appliances of science within our power. We inherit, and are forced to cultivate, a sterile soil; and what nature has denied should be, as far as possible, supplied by art. We must make better farmers, through the application of chemical and agricultural science.

We need, then, a school, not for boys, but for young men whose early education is completed, either in college or elsewhere, and who intend to enter upon an active life as engineers or chemists, or, in general, as men of science, applying their attainments to practical purposes, where they may learn what has been done at other times and in other countries, and may acquire habits of investigation and reflection, with an aptitude for observing and describing.

I have thought that the three great practical branches to which a scientific education is to be applied amongst us are, 1st, Engineering; 2d, Mining, in its extended sense, including Metallurgy; 3d, the invention and manufacture of machinery. These must be deemed kindred branches, starting from the same point, depending in many respects on the same principles, and gradually diverging to their more special applications. Mathematics, especially in their application to the construction and combination of machinery; Chemistry, the foundation of knowledge and an all-important study for the mining engineer, and the key to the processes by which the rude ore becomes the tenacious and ductile metal; Geology, Mineralogy, and the other sciences investigating the properties and uses of materials employed in the arts; Carpentry, Masonry, Architecture, and Drawing, are all studies which should be pursued, to a greater or less extent, in one or all of these principal divisions.

To establish such a school as I have endeavoured to describe in connection with the University, and under the care and general guidance of its government, requires buildings with suitable lecture-rooms and philosophical apparatus, with models and plans, and a place for their deposit and safe-keeping, together with a *Cabinet*, where every description of wood, ores, metals, &c., may be deposited for the use of the students. Without the above appliances, the Professors would be workmen without tools. The University has already appointed Mr Horsford Rumford Professor, who proposes to give instruction upon an enlarged plan in the science of Chemistry. I have often heard Professor Horsford spoken of in terms of high commendation, and as in all respects competent to take charge of this important department of science, and to bring out the most favorable results. The testimony rendered at home to Mr. Horsford's capacity has been very agreeable to me, and had satisfied me that the selection made by the government of the College was fortunate; but I have lately learned, in addition to the high character given him by his friends here, that the great practical chemist of the age (Liebig) has given his most unqualified testimony to the ability and fidelity of Professor Horsford, who was the pupil of Baron Liebig for two years.

I deem it of the highest importance, and, in fact, essential, that none but

first-rate men should occupy the Professors' chairs in this School. Its success depends upon the characters of the instructers. They should be men of comprehensive views, and acknowledged talents. possessing industry and integrity, with an enthusiastic devotion to the great interests of science. They should love their profession, and work in it day by day. Such teachers will soon gather around them a large number of pupils.

To carry out this course of education in its practical branches, there should be the most thorough instruction in Engineering, Geology, Chemistry, Mineralogy, Natural Philosophy, and Natural History. Chemistry is provided for; and in the last two branches, instruction might, perhaps, be given by the present College Professors. In addition to these, it would be necessary to obtain the services, at stated periods, of eminent men from the practical walks of life. The Law School is taught by distinguished lawyers of the highest reputation. The Medical School by distinguished physicians. In like manner, this School of Science should number among its teachers men who have practised and are practising the arts they are called to teach. Let theory be proved by practical results.

To defray the expenditures, means must be procured for the erection of suitable buildings (not including dwelling-houses), the purchase of apparatus, furniture, &c., and provision must be made for the comfortable support of the Professors and other teachers employed. For this purpose, let the students be invited freely from all quarters, at a moderate charge for tuition. Let the numbers be only limited by the size of the lecture-rooms, and I cannot entertain a doubt that a large revenue would be derived from tuition fees. I would suggest three permanent Professors, namely, one of Chemistry (already appointed), one of Engineering in its various branches, and one of Geology. The support of the first is for the present time provided for. For the other two a moderate fund must be obtained, as a nucleus of a farther sum which should be added to it, to make the capital equal to that of the Rumford Professorship. The Professors in this School should depend, to a considerable extent, upon fees; it is the best guarantee to exertion and fidelity, and the permanent prosperity of the institution. I will therefore further suggest, that each of the above Professors shall receive, after all ordinary expenses shall have been paid, one half of the tuition fees till they amount to a sum, annually, not exceeding three thousand dollars, including their stated salaries; and that the government of the College pay such sums to other teachers, whether temporary or permanent, as they may deem expedient, and that the other half of the said tuition fees be reserved and added to any fund that may be hereafter contributed to establish and found the two Professorships before mentioned.

I have now, my dear Sir, given you a brief and very imperfect sketch of such a school of science as I believe the condition of our extensive and growing country requires, and you will ask how the means are to be obtained to carry out the plan, when we shall soon have an appeal made to our liberality, as well as to the sense of our best interests, to contribute a large sum of money for the purpose of finishing the astronomical department so auspiciously commenced in Cambridge. This department of science has already engaged the public sympathy, and will, I doubt not, be taken up at an early day, and placed in an independent and useful position. I cherish a wish to see the Observatory, the telescope, and every instrument required to prosecute the heavenly science, ready for use, and do not intend to interfere with the claims the world has upon our community to accomplish this great and important object. Nor do I mean to occupy the ground of another branch of science that will, I suppose, at a future time, present strong claims upon the public bounty. I allude to Natural History, now in charge of that accomplished naturalist, Dr Gray. I wish to see all these branches of science prosecuted with vigor, and moving forward in perfect harmony at Cambridge.

I therefore propose to offer, through you, for the acceptance of the President and Fellows of Harvard College, the sum of fifty thousand dollars, to

be appropriated as I have indicated in the foregoing remarks. The buildings, I have supposed, without having made estimates, could be erected, including an extensive laboratory, for about thirty thousand dollars. If so, there will remain the sum of twenty thousand dollars; and I suggest, that whatever sum may remain, after the erection and furnishing of the buildings, should form the basis of a fund, which, together with one half of the tuition fees, till the amount shall yield the sum of three thousand dollars annually, shall be equally divided between the Professor of Engineering and the Professor of Geology, and be made a permanent foundation for these Professorships. The object is, to place the three Professors in this School in the same pecuniary situations. I beg to suggest, further, that the whole income of this School be devoted to the acquisition, illustration, and dissemination of the practical sciences for ever.

The details, however, and conditions of this donation, may be hereafter arranged between the Corporation and myself. I now leave the whole subject in the hands of the gentlemen composing the Corporation, in the hope and faith that the plan may be adopted, and executed with as much expedition as may be consistent with economy; and that it may prove honorable to the University, and useful to the country,

I pray you, dear Sir, to believe I remain,

Most faithfully, your friend,

Abbott Lawrence.

To the Hon. Abbott Lawrence.

June 7th, 1847.

My dear Sir, —

It gives me high and unmingled pleasure to be the agent of the Corporation in acknowledging the receipt of your magnificent donation to Harvard College. It is such acts as this, combining the intelligence of a sound and well-stored mind with the generosity of a heart sympathizing in all elevated purposes for the general good, which gives a reasonable foundation for the hope that the future character of the United States may be marked by improvement and progress. While your example shall be followed, and wealth shall be dispensed to relieve pressing want, and to educate the generations to come, society will be bound together by a perception of reciprocated benefits, and by a feeling of mutual attachment, which are stronger than any other tie. You may congratulate yourself on having done much for the relief, encouragement, and support of others, and thus for your own fame as an enlightened, Christian philanthropist, and much for the common good and glory of your country, as a wise and high-minded patriot.

Accept the thanks of the Corporation, expressed in the accompanying vote, and be assured of the approbation which your bounty will not fail to call forth from the public, and which, combined, as it may be, with that of your own heart, will be to you a permanent source of pure happiness.

I am, with increased respect and stronger attachment, your friend,

Samuel A. Eliot.

At a meeting of the Corporation of Harvard College, held in Boston, June 7th, 1847, —

Voted, That the Corporation receive with satisfaction, mingled with admiration, the gift this day presented to Harvard College by the Honorable Abbott Lawrence, — a donation rarely, if ever, equalled in magnitude, and unsurpassed for the utility of the object to which it is devoted.

It is not only in accordance with the munificent liberality for which the donor has been long known and honored, but is in singular harmony with

that wisdom in managing affairs for which he is distinguished, and with that position in the world he has attained by skill, judgment, and integrity. It is deemed by the Corporation a high privilege, and a great reward for their labors, to be the stewards of such bounty; and they pledge their best efforts to carry faithfully into execution the enlightened suggestions with which the letter accompanying the donation is filled.

The wish expressed in it that the contemplated School "may be honorable to the University, and useful to the country," is connected in their minds with the pleasing conviction that such an example is honorable and useful in a wider sphere; that it is honorable, not merely to the individual who offers it, but to the land in which he lives, and that it will be useful, not to the country only, but to mankind.

James Walker, *Secretary.*

III.

To President Everett.

Observatory at Cambridge, 26 *July*, 1847.

Dear Sir, —

I take great pleasure in complying with the request you made, during your last visit to the Observatory, that I should prepare for you a brief account of the large refracting telescope, which has recently been placed within its walls.

The construction of this instrument was intrusted to the eminent opticians and mechanicians, Messrs. Merz and Mahler of Munich, in Bavaria, the successors of the celebrated Frauenhofer.

By the terms of the contract, they bound themselves to make for us a telescope equal in dimensions to the one at Pulkova, and of the best quality they were able to produce. We received the object-glass of this telescope in November, 1846. The tube and machinery arrived on the 11th of last month. We had prepared for the support of this instrument a stone pier, composed of massive blocks of granite, resting on a bed of hydraulic cement, made with coarse gravel, which forms a mass almost as solid as the stone itself. The substratum is fine gravel mixed with sand.

The diameter of the pier is twenty feet at the base and ten feet at the top. In form it is the frustum of a cone, and is surmounted by a single block of granite, two feet in thickness and ten feet in diameter, weighing fourteen tons. On this rests the stone pedestal, eleven feet high, weighing about nine tons, to which are attached the bed-plate of the hour axis and framework of the Telescope. Five hundred tons of granite were employed in constructing this pier.

The hour-circle of the instrument is eighteen inches in diameter, and reads by two verniers to single seconds of time in right ascension. The declination-circle is two feet in diameter, and reads by four verniers to four seconds in arc. The object-glass has fifteen inches clear aperture, and twenty-two feet eight inches focus. It is furnished with a filar-position micrometer and four annular micrometers. There are eighteen eye-pieces, the highest power being estimated by the maker at two thousand.

After adjusting and securing the various parts, the whole was found to move freely and steadily under clock-work, it being well balanced in all its parts, and the friction greatly reduced by a judicious arrangement of counterpoises and friction-wheels.

The instrument is protected from the weather by a dome of thirty feet interior diameter. It moves freely on eight cannon-balls, and is secured

from displacement by storms, by eight iron braces, which are secured to the walls of the building, and present friction-wheels to the opposite sides of the interior of the dome. The opening is five feet wide; the shutters are opened and closed by means of endless chains, working in teethed pulleys turned by a crank.

I omit the details of mounting the telescope, as they are of little general interest, and will be given in the report of the Visiting Committee on the Observatory, when I hope to be able to add to them an account of the new transit-circle, which Mr Simms has nearly completed.

In regard to the ultimate capabilities of our telescope, we cannot be expected, from so short a trial, to have formed any very decisive opinion. It has, however, even under the disadvantage of a bad state of the atmosphere, exceeded our expectations. We have had the best opportunities for making observations during the early morning hours.

Of the close double stars, our attention was directed first to η Coronæ. The components appeared round, small, and well separated.

The difficult double star, γ Coronæ, which Captain Smyth ranks in his "Cycle" as the "Præses of Struve's vicinissimæ," was well separated, a dark space appearing between the principal star and its satellite.

On the morning of the 20th July, the companion of γ Andromedæ was also well separated. The line micrometer gave a distance of three tenths of a second. I was surprised to find, on following this object into daylight, that our measures of distance could be taken after sunrise. I measured, alternately with my son, both in distance and position, while the sun was shining on the telescope, and we both thought that we saw them full as well, or rather better, after sunrise than before. This might be owing to a quieter state of the atmosphere consequent on a rise of the thermometer.

On the evening of the 15th July, the nebula No. 27 Messier, commonly known as the dumb-bell nebula, exhibited a multitude of points of light, with a few larger stars, which were probably accidental, or not belonging to it, scattered over its surface. Three observers were confident of the resolution of this nebula. It occupied considerably more space than the field of the telescope would take in, and the form by which it has hitherto been distinguished was entirely lost. There appear, however, to be two centres of condensation. On the same evening α Lyræ was examined. It showed a small round disk; but the troubled state of the atmosphere rendered it unsteady. Thirty-five stars were counted in the same field with it.

The ring nebula of Lyræ was beautifully shown. My friend, Hon. Wm. Mitchell, who was observing with us, was confident that he saw many stars within the compass of the ring.

The companion of Antares, discovered by Professor Mitchell of Cincinnati, was quite conspicuous, notwithstanding the tremulous state of the atmosphere at the low altitude of the star.

The great nebula in Andromeda has a bright central point closely resembling a star. I do not recollect having seen any notice of this.

On examining the moon near the quadrature, the light is so exceedingly vivid, when the whole aperture of the object-glass is used with a power of 180, that it becomes painful to the eye. With higher powers, the mountains are brought out in bold relief, and the depths are opened.

On the evening of the 20th, having a friend with me who takes a strong interest in these matters, we were examining the moon along the boundary of light and darkness, and saw what had every appearance of being the effect of atmospheric refraction. The deep black shadows of the rugged mountain-tops, stretching far across the plains until they were lost sight of in the unilluminated portion, enabled us by contrast to distinguish what seemed to be the first gray tint of dawn, and to trace the gradually increasing light to the full splendor of mid-day.

But I must recollect that you require of me only a brief account of our

telescope. The objects revealed to us by this excellent instrument are so numerous and interesting, that it is difficult to know where to stop.

With the highest regard and respect,
I remain, dear Sir, yours sincerely,
W. Cranch Bond.

To President Everett.

Observatory at Cambridge, 22 *September*, 1847.

Dear Sir, —

You will rejoice with me, that the great nebula in Orion has yielded to the power of our incomparable telescope!

This morning, the atmosphere being in a favorable condition, at about three o'clock the telescope was set upon the Trapezium in the great nebula in Orion. Under a power of 200, the 5th star was immediately conspicuous; but our attention was directly absorbed with the splendid revelations made in its immediate vicinity. This part of the nebula was resolved into bright points of light. The number of stars was too great to attempt counting them; many, however, were readily located and mapped. The double character of the highest star in the Trapezium was readily recognized with a power of 600. This is "Sir J. Herschel's 6th star"; and certain of the stars composing the nebula were seen as double stars under this power.

It should be borne in mind that this nebula and that of Andromeda have been the last strongholds of the nebular theory; that is, the idea first thrown out by the elder Herschel of masses of nebulous matter in process of condensation into systems. The nebula in Orion yielded not to the unrivalled skill of both the Herschels, armed with their excellent reflectors. It even defied the power of Lord Rosse's three-foot mirrors, giving "not the slightest trace of resolvability," — by which term is understood the discerning *singly* a number of sparkling points. And even when, for the first time, Lord Rosse's grand reflector of six-foot speculum was directed to this object, "not the veriest trace of a star" was to be seen. Subsequently his Lordship communicated the result of his further examination of Orion in the following words: —

"I think I may safely say, that there can be little if any doubt as to the resolvability of the nebula. We could plainly see that all about the Trapezium is a mass of stars, the rest of the nebula also abounding in stars and exhibiting the characteristics of resolvability strongly marked."

This has hitherto been considered as the greatest effort of the largest reflecting telescope in the world, and this our own telescope has accomplished.

I feel deeply sensible of the odiousness of comparison, but innumerable applications have been made to me for evidence of the excellence of the instrument, and I can see no other way in which the public are to be made acquainted with its merits.

With sincere respect and esteem, I remain,
Dear Sir, your obedient servant,
W. C. Bond.

APPENDIX.

I.

SUMMARY STATEMENT OF THE COURSE OF INSTRUCTION PURSUED IN THE SEVERAL DEPARTMENTS OF THE UNIVERSITY DURING THE ACADEMIC YEAR 1846–47.

I. PROFESSIONAL SCHOOLS.

1. DIVINITY SCHOOL.

The Divinity School was under the superintendence of the Rev. Convers Francis, D. D., Parkman Professor of Pulpit Eloquence and the Pastoral Care ; and the Rev. George R. Noyes, D. D., Hancock Professor of Hebrew and other Oriental Languages, and Dexter Lecturer on Sacred Literature.

The course of instruction in the Divinity School occupies three years. The School consists of three Classes ; the Junior, Middle, and Senior.

Each Professor attends exercises with each of the Classes through the year. The course of instruction is divided between them as follows : — To the Parkman Professor are allotted the branches of Natural Religion, Christian Ethics and Practical Divinity, Ecclesiastical History, Church Polity, the Composition and Delivery of Sermons, and the Duties of the Pastoral Office.

To the Hancock Professor, the Evidences of Christianity, Dogmatic Theology, the Principles of Criticism and Interpretation, the Criticism and Interpretation of the Old and the New Testaments, and the Hebrew Language.

The members of the Senior Class preach once a week during part of the year in the First Parish church, and there is a weekly exercise in extemporaneous speaking, attended by the whole School.

The present number of Students (September, 1847) is 23.

2. Law School.

This School, during the academical year ending at the annual Commencement in 1847, was under the superintendence of Simon Greenleaf, LL. D., Dane Professor of Law, and of William Kent, LL. D., Royall Professor of Law.

The course of instruction was as follows : —

1. *Lectures*, by the *Dane Professor of Law*, on Equity Jurisprudence and Pleadings, on Pleadings at Common Law, on the Law of Evidence, and the Law of Real Property ; — and by the *Royall Professor of Law*, on the Law of Insurance, the Law of Sales, Agency and Partnership, and the Commentaries of Kent and of Blackstone.

2. *Reviews and examinations* of the Students in the text-books. These are held twice a day, five days in the week, and the time occupied with each Class is one hour. The course of study embraces a selection of the best elementary works in each branch of the Law, and is intended to be completed in two years and a half. The Students are referred to a series of leading cases in the English and American Reports, and to a parallel course of reading, in addition to the prescribed course of study.

3. *Moot Courts*, for the arguing of questions of law. These are held every week, by one of the Professors. Four of the Students, in rotation, appear as counsel. They begin to take their turn at the commencement of the second year of their studies. They have extempore disputations and debates on legal and miscellaneous questions, as voluntary exercises.

4. *Dissertations* on subjects connected with the course of study are occasionally written by the Students.

5. The Students are instructed in the practice of the Courts, in the preparation of pleadings and legal instruments ; and an opportunity is afforded for attending the sittings of the State and United States Courts.

The number of Students present during the past year has averaged 127, coming from nearly all the States of the Union, and from Canada and Nova Scotia. They have been divided into three Classes, according to seniority and advancement. Their attendance upon the exercises has been hitherto wholly voluntary, and has been marked by a punctuality and by a degree of advancement highly satisfactory.

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3. Medical School.

This School was under the superintendence of

John C. Warren, M. D., Hersey Professor of Anatomy and Surgery.

Jacob Bigelow, M. D., Professor of Materia Medica, and Lecturer on Clinical Medicine.

Walter Channing, M. D., Professor of Obstetrics and Medical Jurisprudence.

George Hayward, M. D., Professor of the Principles of Surgery, and of Clinical Surgery.

John W. Webster, M. D., Erving Professor of Chemistry and Mineralogy.

John Ware, M. D., Professor of the Theory and Practice of Physic.

The Medical School was conducted by the above-named Professors, at the New Medical College in North Grove Street, Boston. The instruction was given by courses of Lectures, delivered by each of the Professors ; beginning annually on the first Wednesday in November, and continuing four months, or seventeen weeks. The Students also attended the practice of the Hospital.

The number of Lectures given in the respective courses was as follows : —

Dr Warren gave six Lectures a week on Anatomy and the Operations of Surgery, omitting to lecture on Saturday when there was a surgical operation on that day.		
The whole number of Lectures - - - - -	102	
Which number was reduced by omissions on Christmas, Thanksgiving, and Election days, and the surgical operations, about - - - - - -	10	
	—	92
Dr Bigelow gave on Materia Medica Lectures - -	51	
On Clinical Medicine - - - - - - -	34	
	—	
	85	
Which were reduced, as above, - - - -	2	
	—	83
Dr Channing gave Lectures and Examinations -	60	
Reduced, as above - - - - - - -	2	
	—	58
Dr Hayward gave - - - - - - -	51	
Visits at Hospital, 1½ hour each, - - - -	17	
	—	
	68	
Which were reduced, as above, - - -	2	
	—	66
Dr Webster gave - - - - - - - -	68	
Which were reduced, as above, - - -	2	
	—	66
Dr Ware gave four Lectures a week on the Theory and Practice of Medicine, amounting to - - -	68	
Which were reduced, as above, - - -	2	
	—	66
Total number - - - - - - - - -		431

The number of Students attending Medical Lectures in the session of 1846 – 47 was 165.

The above School is devoted exclusively to Medical Students, Undergraduates not being permitted to attend.

The following Lectures were delivered at Cambridge to Undergraduates, by members of the Medical Faculty, viz. : —

Two Lectures to the Freshman Class on the Care of Health, by Dr John Ware, in the First Term.

A course consisting of twenty-four Lectures on Anatomy, by Dr John C. Warren, to the Senior Class, in the Second Term.

A course on Chemistry, by Dr John W. Webster, as by report No. 2, page 37.

II. ACADEMICAL DEPARTMENTS.*

1. Rhetoric and Oratory.

This department was under the superintendence of Edward T. Channing, LL. D., Boylston Professor of Rhetoric and Oratory, assisted in the teaching of Elocution by Henry W. Torrey, A. M.

Instruction in this department is given to the three upper Classes, by Exercises in Reading, Speaking, and Composition, by Recitations in Grammar, Rhetoric, and Logic, and by Lectures.

The Sophomores recited three times a week from Lowth's Grammar and Campbell's Rhetoric, during the First Term.

One third wrote Themes and attended a critical exercise upon them, every week, during the year.

To the Juniors instruction was given by Exercises in Composition and Speaking, and by Recitations, three times a week during the Second Term, from Whately's Logic.

They wrote Themes, and attended a critical exercise upon them, once a fortnight, during the year.

They declaimed, by sections of nine, every week.

To the Seniors instruction was given by Exercises in Composition and Speaking, which occupied a like time, and were conducted in the same manner, as those of the Juniors. They also attended Recitations from Whately's Rhetoric, or public Lectures on Rhetoric, twice a week, during the First Term.

Each Sophomore presented ten Themes, each Junior fifteen, each Senior sixteen.

The inspection of performances for Commencement and other Public Exhibitions is committed to this department.

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* Arranged according to the academical seniority of the instructers.

The foregoing statement relates to the duties of the Professor. His exercises were interrupted by illness for nearly three weeks during the First Term.

In addition to the Exercises in Declamation already mentioned, there is a separate course of instruction in Elocution, which is wholly under the care of the Instructer in Elocution.

Nine Seniors and nine Juniors attended him every week in an Exercise preparatory to the weekly Declamation of their respective Classes.

One fourth of the Sophomores attended him once every week, during the First Term, in Exercises in Declamation.

He superintends the rehearsals of performances for the four public Exhibitions of the year ; the final rehearsal for each being also attended by the Professor.

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2. Chemistry, Mineralogy, and Geology.

During the past academical year, instruction in this department was given by John W. Webster, M. D., Erving Professor of Chemistry and Mineralogy.

The Professor is occupied during the First Term and Vacation in the Medical School in Boston. The Freshman Class attended the Lectures and Recitations in Chemistry, during the Second Term, to the end of May, when the Lectures on Mineralogy and Geology were commenced to the Sophomore Class.

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3. Philosophy.

Instruction was given in this department by the Rev. James Walker, D. D., Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity. It was conducted in the usual manner ; that is, by Recitations, familiarly illustrated at the time by the Professor. The books read during the last year were The Connection between Physiology and Intellectual Science, Stewart's Elements of the Philosophy of the Human Mind, Jouffroy's Introduction to Ethics, Whewell's Elements of Morality, including Polity, Paley's Evidences of Christianity, and Butler's Analogy.

In the Required Course, the Sophomores recited three times a week in the Second Term, and the Seniors five times a week in the First Term, and twice a week in the Second Term. An Extended Course was allowed to those who elected it, in which the Juniors recited three times a week throughout the year. The Elective System is now given up in this department.

Instruction in the Evidences of Natural and Revealed Religion, which was formerly given by the Hollis Professor, is now given by the Alford Professor.

Forensics were read every Thursday afternoon by the Juniors and Seniors alternately, half of each Class attending at a time.

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4. Theology.

During the past academic year, the Rev. Convers Francis, D. D., Parkman Professor of Pulpit Eloquence and the Pastoral Care, and the Rev. George R. Noyes, D. D., Hancock Professor of Hebrew and other Oriental Languages, performed the morning and evening service of the Chapel. They also conducted the Sabbath worship, in conjunction with the Rev. James Walker, D. D., Alford Professor of Natural Religion, Moral Philosophy, and Civil Polity ; the other instruction of Undergraduates in this department is assigned to the Alford Professor.

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5. History.

During the past year, this department was under the superintendence of Jared Sparks, LL. D., McLean Professor of Ancient and Modern History, assisted by Henry W. Torrey, A. M., Tutor in History. Professor Sparks instructed the Seniors and Juniors ; Mr Torrey, the Sophomores and Freshmen.

Freshman Class.

Instruction was given to the Freshman Class in Grecian and Roman History, by Recitations, three times a week, during the whole of the Second Term. The text-book was Taylor's Manual of Ancient History.

Sophomore Class.

Instruction was given in Tytler's Universal History, in the same manner as to the Freshman Class. Recitations twice a week, during the whole of the First Term.

Junior Class.

A course of instruction in History, by Lectures and from a text-book, during the Second Term, was given by the Professor. The course was commenced by a series of preliminary Lectures on the objects and utility of History, and the rules of historical composition, with critical remarks on some of the principal authors, ancient and modern, and also with suggestions as to the best methods of studying History. These were followed by the use of Smyth's Lectures on Modern History as a text-book, a portion of which was recited by

the Class twice a week, till the end of the Term. Each exercise was accompanied by remarks and explanations from the Professor.

Senior Class.

A course of Lectures was given to the Senior Class on American History ; treating, in the first part, of the principles of American colonization, and of the colonial governments, legislation, trade, wars, and civil institutions ; and, in the second part, of the causes, events, and results of the Revolution ; two Lectures a week throughout the Second Term.

Mr Torrey heard the Recitations of the Senior Class in Say's Political Economy and Story's Commentaries on the Constitution of the United States ; five exercises a week during the Second Term.

The Tutor in this department, in the First Term, heard the Recitations of the Junior Class twice a week in Story's Commentaries on the Constitution of the United States ; and in the Second Term, those of the Senior Class three times a week in Say's Political Economy.

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6. Hebrew.

This department is under the superintendence of the Rev. George R. Noyes, D. D., Hancock Professor of Hebrew and other Oriental Languages ; being conducted by Recitations and oral instruction, given three times each week, during the Second Term of the academic year. Attendance on this branch is wholly voluntary. Two Students, during the past year, availed themselves of its advantages.

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7. Latin.

During the past year this department was under the superintendence of Charles Beck, P. D., Professor of the Latin Language, assisted by Josiah S. Hartwell, A. M., Tutor. The instruction of the three higher Classes was, during the Second Term, conducted by Mr George Martin Lane, A. B., Dr Beck having obtained leave of absence for that term.

Instruction was given to the Freshman Class in Folsom's Selections from Livy, the Odes of Horace, writing Latin, Beck's Syntax, and Eschenburg's Manual :

To the Sophomore Class, in the Eunuchus and Heautontimorumenos of Terence, and the Satires and Epistles of Horace, one hour every other week being devoted to writing Latin :

To the Junior Class, in the Hercules Furens of Seneca and the Miles Gloriosus of Plautus, Juvenal, and writing Latin :

To the Seniors, in Cicero's Oration pro Cluentio, the Hercules Furens of Seneca, and the Miles Gloriosus of Plautus, and writing Latin.

The whole number of Sophomores who selected the Latin as one of their Elective Studies was 84.

The number of the Juniors who elected the Latin was 48.

The number of Seniors who elected the Latin was 27.

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8. Modern Languages.

This department was under the superintendence of Henry W. Longfellow, A. M., Smith Professor of the French and Spanish Languages, and Professor of the Belles-Lettres. There were in the department three Instructers, viz. Francis Sales, A. M., Instructer in Spanish; Bernard Rölker, Instructer in German; M. De Laporte, Instructer in French. The instruction in Italian was given by Professor Longfellow.

The principles which regulated the department are, — 1. All the Modern Languages were elective. 2. A Student commencing the study of any language is not permitted to leave it before the close of the year. 3. The Students were formed into Sections, and carried forward according to their proficiency, without reference to Classes. 4. The days of instruction were Mondays, Wednesdays, and Fridays.

Number of pupils taught during the academic year 1846 – 47 : —

French,	119	Total, 220.
Spanish,	28	
Italian,	17	
German,	56	

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9. Greek.

The Greek department was under the care of Cornelius Conway Felton, A. M., Eliot Professor of Greek Literature, and James C. Merrill, A. M., Greek Tutor.

The Freshman Class were instructed by the Greek Tutor. They were divided into three Sections according to proficiency. The text-books during the First Term were Xenophon's Anabasis, Herodotus, Sophocles's Greek Grammar, and Eschenburg's Manual; in the Second Term, Herodotus and the Odyssey. There were five and a half recitations each week.

Exercises in Greek Composition were written once each fortnight.

The Sophomores, Juniors, and Seniors were instructed by the Professor. The whole number of Sophomores who chose the Greek as one of their Elective Studies was 81. The text-books were the Iliad, during the First Term, and the Antigone of Sophocles and Clouds of Aristophanes, during the Second Term.

The number of the Juniors who elected the Greek was 36. The text-books were Penrose's Select Orations of Demosthenes, and the Panegyricus of Isocrates, for the First Term, and Demosthenes on the Crown, for the Second.

The number of Seniors who elected the Greek was 34. The text-books were the Gorgias of Plato, for the First Term, and the Agamemnon of Æschylus, and the Odes of Pindar, for the Second.

All the members of each of these Classes wrote an Exercise once each fortnight, except, that, in the Second Term, the Seniors, instead of that exercise, had an additional lesson in Æschylus and Pindar.

The Seniors and Juniors attended three exercises each week; the Sophomores, three each week in the First Term, and four in the Second.

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10. Mathematics.

During the past year, instruction in this department was conducted by Benjamin Peirce, A. M., Perkins Professor of Astronomy and Mathematics, and Francis J. Child, A. B., Tutor.

Instruction in this department commenced in the Freshman year, with Recitations from Peirce's Geometry, which was completed in the First Term. Peirce's Algebra occupied the rest of the year.

Instruction was continued in the Sophomore year, by Recitations and Lectures in Peirce's Plane and Spherical Trigonometry and Spherical Astronomy, Bowditch's Navigator, Peirce's Curves and Functions, Vol. I.; and in the Junior and Senior years, by instruction in the Imaginary, Integral, and Residual Calculuses, and in the Mathematical Theory of Mechanics and Astronomy.

In the Freshman Year.

The Class was heard on every day of the week except Saturday, during the First Term, and on Monday, Tuesday, Thursday, and Friday, during the Second Term, allowing one hour to each recitation.

On Wednesday two hours were given for explanation to such as chose or were required to appear for it.

Time occupied by each Student in recitation, - 180 hours.
By the Instructer, - - - - - - 180 hours.

In the Sophomore Year.

The Class was heard in three Sections, three days in the week,

viz. on Mondays, Wednesdays, and Fridays. Each Student of this Class recited 120 lessons, occupying - - - 120 hours.

Time required of Instructer in the above recitations, 240 hours.

In addition to this, the Instructer passed every day from 9 A. M. to 2 P. M. at his recitation-room or study, to give aid to those Students who wished it.

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11. Zoölogy and Botany.

This department was under the care of Asa Gray, M. D., Fisher Professor of Natural History.

The instruction, which was given throughout the Second Term, consisted, 1st, of a course of 30 Lectures upon Structural and Systematic Botany, delivered on Tuesdays and Thursdays, at 5 o'clock, P. M.; each Lecture occupying an hour. This course was attended by about 20 Students from the two higher Classes.

2d. The whole Sophomore Class were instructed in Vegetable Physiology; the exercises consisting of Recitations from Gray's Botanical Text-Book, with illustrations and informal lectures by the Instructer. These Recitations were attended by the Class in Sections, on Wednesday, Thursday, and Friday, throughout the term, each exercise occupying an hour.

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12. Physics.

During the past academical year, instruction in this department was conducted by Joseph Lovering, A. M., Hollis Professor of Mathematics and Natural Philosophy.

The advanced section of the Senior Class attended recitations three times a week, and read Cambridge Treatise on Electro-statics and Electro-dynamics, and Daniell's Introduction to Chemical Philosophy.

The Junior Class recited three times a week, and read Olmsted's Astronomy, Brewster's Optics, and Peirce's Acoustics, and Cambridge Treatise on Electro-statics and Electro-dynamics.

The Senior and Junior Classes attended the usual course of Lectures on Physics and Experimental Philosophy. This course, which extends through two years, consists of 80 lectures of one hour each.

II.

OMISSIONS AND PUNISHMENTS.

Year 1845–46.

I. Senior Class.

Whole number of the Class * - - - - - - 62

Absences from Daily Prayers.

Whole attendance required of each individual, viz. 13 per week, 40 weeks × 13 = - - - - - - - - 520
Whole number of unexcused absences of the whole Class during the year - - - - - - - - - - 928
Equivalent to about 15 absences during the year, or about 7½ a term, for each individual of the Class, besides the permitted absence of Saturday evening.

Absences from Sabbath Services.

Whole number of Sabbath services required to be attended by each individual for the year, 40 × 2 = - - - - - 80
Whole number of unexcused absences for the whole Class during the year (half-day's services) - - - - - - 0

Absences from Recitations and other Literary Exercises.

Whole number required of each individual - - - 756
Whole number of unexcused absences of the whole during the year - - - - - - - - - - 95
Equivalent to about 1½ unexcused absences for the year, or less than one a term, for each individual.

One member of this Class was dismissed, not to be re-admitted ; the probation of one was closed ; five were publicly admonished.

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* The number of Students in the Classes is given as they stand on the Annual Catalogue for the Second Term.

II. Junior Class.

Whole number of the Class - - - - - - - 57

Absences from Daily Prayers.

Whole attendance required of each individual, viz. 40 weeks × 13 = - - - - - - - - - - - 520
Whole number of unexcused absences for the whole Class during the year - - - - - - - - - - - 873
Equivalent to less than 16 absences during the year, or less than 8 a term, for each individual of the Class, besides the permitted absence of Saturday evening.

Absences from Sabbath Services.

Whole number required to be attended by each individual for the year, 40 × 2 = - - - - - - - - 80
Whole number of unexcused absences for the whole Class for the year (half-day's services) - - - - - - - 2

Absences from Recitations and other Literary Exercises.

Whole number required of each individual - - - 684
Whole number of unexcused absences of the whole Class during the year - - - - - - - - - - 56
Equivalent to about one unexcused absence for the year for each individual.

Six members of this Class were publicly admonished.

III. Sophomore Class.

Whole number of the Class - - - - - - - 82

Absences from Daily Prayers.

Whole attendance on daily prayers required of each individual, 40 × 13 = - - - - - - - - - - 520
Whole number of unexcused absences for the whole Class during the year - - - - - - - - - - 1328
Equivalent to about 16 unexcused absences during the year, or 8 a term, for each individual of the Class, besides the permitted absence of Saturday evening.

Absences from Sabbath Services.

Whole number of Sabbath services required to be attended by each individual for the year, 40 × 2 = - - - - - 80
Unexcused absences for the whole Class during the year - 0

Absences from Recitations and other Literary Exercises.

Whole number required of each individual - - - 594
Whole number of unexcused absences for the whole Class during the year - - - - - - - - - - 44

Three members of this Class were dismissed ; six were suspended ; six were publicly admonished.

IV. Freshman Class.

Whole number of the Class - - - - - - - 66

Absences from Daily Prayers.

Whole attendance required of each individual - - - 520
Whole number of unexcused absences for the whole Class during the year - - - - - - - - - - 634
Equivalent to less than 10 unexcused absences during the year, or 5 a term, for each member of the Class, besides the permitted absences of Saturday evening.

Absences from Sabbath Services.

Whole number required to be attended by each individual - 80
Unexcused absences - - - - - - - - - 0

Absences from Recitations and other Literary Exercises.

Whole number required of each individual - - - 612
Whole number of unexcused absences of the whole Class during the year - - - - - - - - - - 118
Equivalent to less than 2 unexcused absences for the year, or 1 a term, for each individual.

One member of this Class was expelled ; one was dismissed ; two were suspended ; of two the probation was closed.

III.

SUMMARY OF PROFESSIONAL STUDENTS, RESIDENT GRADUATES, AND UNDERGRADUATES, AT THE COMMENCEMENT OF THE SECOND TERM OF THE ACADEMICAL YEAR 1846–47.

Professional Students and Resident Graduates.

Theological Students	28
Law Students	102
Students attending Medical Lectures	164
Resident Graduates	9
	303

Undergraduates.

Seniors	62
Juniors	57
Sophomores	82
Freshmen	66
University Students	5
	272

Total, 575.

IV.

ACADEMIC HONORS AND PRIZES FOR THE YEAR 1846.

1. *Deturs.*

The following Students received presents of books called "Deturs," from the donation of Edward Hopkins, at the commencement of the Sophomore year.

James Morrill Allen.
James Walker Austin.
Gamaliel Bradford.
Charles Michael Carlton.

Charles Francis Choate.
Lorenzo Silas Cragin.
Joshua Crane.
James Cutler Dunn.
Francis Buckminster Emerson.
Charles Carroll Fiske.
Charles Louis Flint.
James Andrew Gillis.
John Jefferson Glover.
George Gray.
Francis Hathaway.
James Aigin Hervey.
William Howard Hinckley.
Edward Lorenzo Holmes.
Edward Jackson.
John Lothrop Kirkland.
Artemas Ward Lamson.
James Holden Lander.
Frederic Athearn Lane.
Thornton Kirkland Lothrop.
Charles Francis McDonald.
Robert Barnwell Rhett.
Albert Franklin Sawyer.
William Sewall.
George Shattuck Shaw.
Thomas Meriam Stetson.
Julius Henry Stuart.
John Doe Taylor.
Charles Jackson Thorndike.
Joseph Binford Tufts.
Francis Tufts.
George Bruce Upton.
Augustus Warren Whipple.

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2. *Parts for the Exhibition of* 15 *July*, 1846.*

SENIOR PERFORMANCES.

James Bemis Adams,	A Disquisition.
Charles Allen,	Do.
Augustine Heard,	A Dissertation.
George Gideon Kuhn,	A Latin Oration.
George William Phillips,	An English Oration.
Reuben Totman Robinson,	A Greek Oration.
Edmund Quincy Sewall,	A Dissertation.
Benjamin Shurtleff Shaw,	A Disquisition.

JUNIOR PERFORMANCES.

Edwin Davenport,	A Greek Version.
Henry Whitcomb Holman,	A Greek Dialogue.
Stephen Bradshaw Ives,	A Latin Version.
Charles Greely Loring,	A Latin Dialogue.
James Cutler Dunn Parker,	Do.
Greenleaf Sanger,	A Greek Dialogue.
George Peabody Tiffany,	An English Version.
Edward James Young,	Do.

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* This Exhibition, though falling within the academic year 1845 – 46, is inserted here, because the performers belong to the same Classes with the performers at the Exhibitions of October, 1846, and May, 1847.

3. *Parts for the Exhibition of* 20 *October*, 1846.

SENIOR PERFORMANCES.

Joseph Peabody Gardner,	A Disquisition.
Preston Shepard Lincoln,	A Dissertation.
Charles Lowe,	A Latin Oration.
John Marshall Marsters,	An English Oration.
Charles William Munroe,	A Disquisition.
James Woodruff Savage,	A Dissertation.
Francis Marion Tower,	Do.

JUNIOR PERFORMANCES.

Edward Irving Bigelow,	A Greek Version.
Thomas Chase,	A Greek Dialogue.
Asa Dalton,	Do.
James Atherton Dugan,	A Latin Dialogue.
William Bostwick Edson,	An English Version.
Alexander Hale,	Do.
Charles Enoch Huse,	A Latin Version.
Samuel Parsons,	A Latin Dialogue.

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4. *Parts for the Exhibition of* 4 *May*, 1847.

SENIOR PERFORMANCES.

Alexander Bliss,	A Latin Oration.
John Brooks Felton,	An English Oration.
Ferris Forman Hyatt,	A Disquisition.
James Jennison,	A Dissertation.
Charles Mertens Rollins,	A Disquisition.
Charles Gilman Smith,	Do.
Francis Tiffany,	A Dissertation.
Andrew Cunningham Wheelwright,	A Disquisition.
Adolphus Carter Whitcomb,	Do.

JUNIOR PERFORMANCES.

Thomas Henderson Chandler,	A Latin Dialogue.
Josiah Parsons Cooke,	A Latin Version.
Ferdinand Cartwright Ewer,	An English Version.
Frederic Pitkin Fisher,	Do.
William Lincoln Jenkins,	A Greek Version.
Benjamin Judkins,	A Greek Dialogue.
David Rice Whitney,	Do.
Adams Wiley,	A Latin Dialogue.

5. *Parts at Commencement, 25th August*, 1847.

John Marshall Marsters,	An English Oration.
John Brooks Felton,	A Poem.
Francis Tiffany,	An English Oration.
Charles Lowe,	Salutatory Oration in Latin.
Edmund Quincy Sewall,	An English Oration.
Edward Tuckerman,	Do.
James Woodruff Savage,	Do.
James Jennison,	A Dissertation.
Alexander Bliss,	Do.
James McClyment Lea,	Do.
Preston Shepard Lincoln,	Do.
Francis Marion Tower,	Do.
Adolphus Carter Whitcomb,	Do.
Charles Allen,	Do.
Joseph Peabody Gardner,	Do.
Charles Gilman Smith,	Do.
Ferris Forman Hyatt,	Do.
William Henry Hurlbut,	Do.
Charles Mertens Rollins,	A Disquisition.
Benjamin Shurtleff Shaw,	Do.
James Bemis Adams,	Do.
George Andrews,	Do.
William Crowninshield Endicott,	Do.
Andrew Cunningham Wheelwright,	Do.
Austin Jacobs Coolidge,	Do.
Charles William Munroe,	Do.
Duncan McBeane Thaxter,	An Essay.
Henry Larned Hallett,	Do.
Chester Harding,	Do.
George Henry Timmins,	Do.

Parts in Special Departments.

John Andrew Henshaw	In Physics, an Essay.
Charles Edward Hodges,	Do.

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6. *Certificates of Proficiency in Particular Departments.*

Special Certificates of Proficiency were granted to the following Students, members of the Class of 1847, in the Latin and Greek Departments, on the recommendation of Professors Beck and Felton, the respective heads of these Departments.

In Latin.

Charles Allen.	John Brooks Felton.
Alexander Bliss.	Charles Grant Kendall.

Preston Shepard Lincoln.
Charles Lowe.
John Marshall Marsters.
George William Phillips.
Charles Mertens Rollins.
James Woodruff Savage.
Edmund Quincy Sewall.
Charles Gilman Smith.
Francis Marion Tower.
Edward Tuckerman.
Adolphus Carter Whitcomb.

In Greek.

James Bemis Adams.
Charles Allen.
George Andrews.
Alexander Bliss.
James Perry Brown.
Austin Jacobs Coolidge.
John Marshall Edgarton.
William Crowninshield Endicott.
John Brooks Felton.
Joseph Peabody Gardner.
William Henry Hurlbut.
James Jennison.
Preston Shepard Lincoln.
Charles Lowe.
John Marshall Marsters.
Edward Goddard Miner.
Charles Mertens Rollins.
James Woodruff Savage.
Edmund Quincy Sewall.
Charles Gilman Smith.
Duncan McBeane Thaxter.
Francis Tiffany.
William Mackenzie Tison.
Francis Marion Tower.
Edward Tuckerman.
Adolphus Carter Whitcomb.

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7. *Bowdoin Prize Dissertations.*

List of the successful candidates for 1846 – 47 : —

Resident Graduate.

Mr Charles Adams Whitcomb.

Senior Class of 1847.

Adolphus Carter Whitcomb, a first prize.
John Marshall Edgarton, a second prize.

Present Senior Class.

George Peabody Tiffany, a first prize.
Thomas Curtis Clarke, a second prize.

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8. *Boylston Prizes for Declamation.*

The two first prizes were assigned, 26th August, 1847, to Mr James Woodruff Savage, and Mr Francis Tiffany, Graduates of the present year.

The three second prizes to Mr Henry Larned Hallett, and Mr Joseph Peabody Gardner, Graduates of the present year, and Edward James Young, of the present Senior Class.

9. *Honorary Degrees.*

Masters of Arts.

Mr Eben Norton Horsford, Rumford Professor, Cambridge.

Mr Evangelinus Apostolides Sophocles, Tutor in Greek, Cambridge.

Mr Henry Warren Torrey, Tutor in Greek and Political Economy, Cambridge.

Rev. Frederic Turell Gray, of Boston.

Doctor of Medicine.

William C. Whitridge, of New Bedford.

Doctors of Laws.

Henry Holland, M. D., F. R. S., London.

Hon. William Kent, Royall Professor of Law, Cambridge.

Hon. Peleg Sprague, Judge of the Circuit Court of the United States, Boston.

Edward Tyrrell Channing, Esq., Boylston Professor of Rhetoric and Oratory, Cambridge.

Hon. John Banister Gibson, Chief Justice of Pennsylvania.

Hon. John Taylor Lomax, Fredericksburg, Virginia.

Hon. Timothy Farrar, of Hollis, New Hampshire, the oldest Graduate of the University.

Doctors in Divinity.

Rev. Theodore Dwight Woolsey, President of Yale College, New Haven.

Rev. Samuel Barrett, Boston.

V.

The following Tables exhibit the times and subjects of the Lectures and Recitations of every Class, in each Term of the Academic Year.

Tabular View of the Exercises during the First Term of 1846–47.

	Class.	8—9.	9—10.	10—11.	11—12.	12—1.	1—2.	3—4.	4—5.	5—6.
MONDAY.	Freshmen.	Lat. & Gr.	Lat. & Gr.	Lat. & Gr.		Mathem.	Mathem.		Mathem.	
	Sophomores.	Rhetoric.	Rhetoric.	*Mathem.*	*Mod. Lang.*	*Latin.*		*Mod*	*ern Lan*	*guages.*
	Juniors.	*Lat. & Gr.*	*Lat. & Gr.*	*Philosophy.*	Physics.*	*Mod.*	*Lang.*	*Mod. Lang.*	*Mod. Lang.*	*Mathem.*
	Seniors.	Philosophy.	Philosophy.	Rhetoric.	*Latin.*	*Mod. Lang.*	*Physics.*	*Mod*	*ern Lan*	*guages.*
TUESD.	Freshmen.	Lat. & Gr.	Lat. & Gr.	Lat. & Gr.		Mathem.	Mathem.		Mathem.	
	Sophomores.	History.	History.	*Math.*		*Lat. & Gr.*	*Lat. & Gr.*			
	Juniors.	Physics.	Physics.		History.	Constitution.	Constitution.			
	Seniors.	Philosophy.	Philosophy.		*Greek.*	History.	*Physics.*			
WEDNES.	Freshmen.	Lat. & Gr.	Lat. & Gr.	Lat. & Gr.		Mathem.	Mathem.		Mathem.	
	Sophomores.	Rhetoric.	Rhetoric.		*Mod. Lang.*			*Mod*	*ern Lan*	*guages.*
	Juniors.	*Lat. & Gr.*	*Lat. & Gr.*	*Philosophy.*	Declamation	*Mod.*	*Lang.*	*Mod. Lang.*	*Mod. Lang.*	*Mathem.*
	Seniors.	Philosophy.	Philosophy.	Rhetoric.	*Latin*	*Mod. Lang.*	*Physics.*	*Mod*	*ern Lan*	*guages.*
THURSD.	Freshmen.	Lat. & Gr.	Lat. & Gr.	Lat. & Gr.		Mathem.	Mathem.		Mathem.	
	Sophomores.	History.	History.	*Mathem.*		*Lat. & Gr.*	*Lat. & Gr.*			
	Juniors.	Physics.	Physics.		History.	Constitution	Constitution	Themes &	Forensics.	
	Seniors.		*Greek.*		*Latin.*	History.	*Physics.*	Themes &	Forensics.	
FRIDAY.	Freshmen.	Lat. & Gr.	Lat. & Gr.			Mathem.	Mathem.		Mathem.	
	Sophomores.	Rhetoric.	Rhetoric.	*Mathem.*	*Mod. Lang.*	*Lat. & Gr.*	*Lat. & Gr.*	*Mod*	*ern Lan*	*guages.*
	Juniors.	*Lat. & Gr.*	*Lat. & Gr.*	*Philosophy.*		*Mod.*	*Lang.*	*Mod. Lang.*	*Mod. Lang.*	*Mathem.*
	Seniors.	Philosophy.	Philosophy.	Declamation	*Greek.*	*Mod. Lang.*		*Mod*	*ern Lan*	*guages.*
SATURD.	Freshmen.	Lat. & Gr.	Lat. & Gr.							
	Sophomores.	Themes.	Declamation							
	Juniors.	Physics.	Physics.							
	Seniors.	Philosophy.	Philosophy.							

The prescribed studies are printed in common type. The rest, printed in Italics, are the only elective studies allowed. * By Lectures.

Tabular View of the Exercises during the Second Term of 1846–47.

	Class.	8 — 9.	9 — 10.	10 — 11.	11 — 12.	12 — 1.	1 — 2.	3 — 4.	4 — 5.	5 — 6.
MONDAY.	FRESHMEN.	Lat. & Gr.	Lat. & Gr.	Lat & Gr.	Mathem.	Mathem.	Mathem.		History.	History.
	SOPHOMORES	Philosophy.	Philosophy.	*Mod.*	*Lang.*	*Lat. & Gr.*	*Lat. & Gr.*	*Mod*	*ern Lan*	*guages.*
	JUNIORS.	Logic.	Logic.	*Philosophy.*	*Mod. Lang.*	Physics.	Physics.	*Mathem.*	*Mod.*	*Lang.*
	SENIORS.	Polit. Econ.	Polit. Econ.	Declamation	*Latin.*	Anatomy.	*Mod*	*ern Lan*	*guages.*	Rumf. Lect.
TUESD.	FRESHMEN.	Lat. & Gr.	Lat. & Gr.	Lat. & Gr.	Chemistry.	Mathem.	Mathem.		Mathem.	
	SOPHOMORES.	Philosophy.	Philosophy.	*Mathem.*		*Greek.*			Min & Geol.	Min.& Geol.
	JUNIORS.	*Lat. & Gr.*	*Lat. & Gr.*	*Philosophy.*			Physics.*			*Botany.**
	SENIORS.	Polit. Econ.	Polit. Econ.	*Physics*	*Greek.*		Physics.*			*Botany.**
WEDNES.	FRESHMEN.	Lat. & Gr.	Lat. & Gr.	Lat. & Gr.					History.	History.
	SOPHOMORES.	Philosophy.	Philosophy.	*Mod.*	*Lang.*	Nat. Hist.	Nat. Hist.	*Mod*	*ern Lan*	*guages.*
	JUNIORS.	Logic.	Logic.	*Philosophy.*	*Mod. Lang.*	Physics.	Physics.	*Mathem.*	*Mod.*	*Lang.*
	SENIORS.	Polit. Econ.	Polit. Econ.	*Physics*	*Latin.*	Anatomy.	*Mod*	*ern Lan*	*guages.*	Rumf. Lect.
THURSD.	FRESHMEN.	Lat. & Gr.	Lat. & Gr.	Lat. & Gr.	Chemistry.	Mathem.	Mathem.		Mathem.	
	SOPHOMORES.	Nat. Hist.	Nat. Hist.	*Mathem.*		*Lat. & Gr.*	*Lat. & Gr.*		Min.& Geol.	Min.& Geol.
	JUNIORS.	*Lat. & Gr.*	*Lat. & Gr.*				Physics.*	Themes &	Forensics.	*Botany.**
	SENIORS.			*Physics.*	*Greek.*		Physics.*	Themes &	Forensics.	*Botany.**
FRIDAY.	FRESHMEN.	Lat. & Gr.	Lat. & Gr.		Mathem.	Mathem.	Mathem.		History.	History.
	SOPHOMORES.	Nat. Hist.	Nat. Hist.	*Mod.*	*Lang.*	*Lat.& Gr.*	*Lat. & Gr.*	*Mod*	*ern Lan*	*guages.*
	JUNIORS.	Logic.	Logic.	Declamation	*Mod. Lang.*	Physics.	Physics.	*Mathem.*	*Mod.*	*Lang.*
	SENIORS.	Philosophy.	Philosophy.	*Greek.*	*Latin.*	Anatomy.	*Mod*	*ern Lan*	*guages.*	Rumf. Lect.
SATURD.	FRESHMEN.	Lat. or Gr.	Lat. or Gr.							
	SOPHOMORES.	Themes.	Declamation							
	JUNIORS.	*Lat. & Gr.*	*Lat. & Gr.*							
	SENIORS.	Philosophy.	Philosophy.							

The prescribed studies are printed in common type. The rest, printed in Italics, are the only elective studies allowed. * By Lectures.

TREASURER'S STATEMENT.

The event of greatest moment in the department of the treasurer, the donation of Mr. Lawrence, has been already communicated to the public, and has met with that universal approbation which its magnitude, its generosity, its appropriateness to the wants of the country, its wise forecast and expansion of views deserve. It is supposed to be the largest amount ever given at one time, during the life of the donor, to any public institution in this country; and it would be difficult to imagine in what way fifty thousand dollars could probably be made productive of greater good than in the cultivation of a kind of knowledge, the want of which is beginning to be strongly felt in this country, and the possession of which will develop our resources, both intellectual and physical, with a rapidity, a certainty, and an advantage which will, perhaps, surprise the most sanguine. The knowledge acquired will be found to be applicable, not only in the ways and on the subjects which are now known to be open to its use, but in a multitude of directions, and on a variety of subjects, in relation to which its importance cannot at present be appreciated, nor even foreseen. This, at least, has been the case with the investigations of the laws of nature which have been hitherto pursued; and such may be expected to be the result when these studies engage minds of such aptitude for them as may be found among the

population of the United States. It may also be expected that many who begin the study of science as a means of gain, or of influence, will pursue it as an end, — for that pure love of knowledge than which no intellectual quality is more ennobling. It is a high gratification that such a plan should have been devised, and the means furnished for its execution, first at Harvard College; and there can be no doubt that other institutions will emulate the example, and thus that a new era in the cultivation of science is about to commence in America. The wisdom of making benefactions during the lifetime of the donor is shown by the opportunity it affords for the active supervision which ensures the execution of the purpose of the giver. This has been frequently exemplified in the history of Harvard College, but never with more useful effect than in this instance.*

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* " An equal appreciation of all parts of natural knowledge is an especial requirement of the present epoch, in which the material wealth and increasing prosperity of nations are, in a great measure, based on a more enlightened employment of natural products and forces. The most superficial glance at the present condition of European states shows that those which linger in the race cannot hope to escape the partial diminution, and perhaps the final annihilation, of their resources. It is with nations as with nature, which, according to a happy expression of Goethe, knows no pause in unceasing movement, development, and production, and has attached a curse to standing still. The danger to which I have alluded must be averted by the earnest cultivation of natural knowledge. Man can only act upon nature, and appropriate her forces to his use, by comprehending her laws, and knowing those forces in relative value and measure. . . . . Nor let it be feared that the predilection for industrial progress, and for those branches of natural science most immediately connected with it, which characterize the age in which we live, has any necessary tendency to check intellectual exertion in the fair fields of classical antiquity, history, and philosophy; or to deprive of the life-giving breath of imagination, the arts and literature which embellish life. Where all the blossoms of civilization unfold themselves with vigor under the shelter of wise laws and free institutions, there is no danger of the development of the human mind in any one direction proving prejudicial to it in others. Each offers to the nation precious fruits, — those which furnish necessary subsistence and comfort, and are the foundation of material wealth, — and those fruits of creative fancy which, far more enduring than that wealth, transmit the glory of the nation to the remotest posterity. The Spar-

Another sum has been received during the past year which is gratifying, not so much for its amount, as for the sense of justice which dictated its payment. The legislature of the Commonwealth last winter voted that the sum of $3,333,30 should be paid to Harvard College, in compensation for the loss of the annuity from Charles River Bridge during the five years the bridge has been in the possession of the Commonwealth; and the original annuity has been also voted for what would have been the remainder of the term of that corporation, had it continued to exist. This is a partial revival of one of the first legislative grants to the College, one which bears date more than two centuries ago (1640); and although it by no means compensates the loss of the College, yet it is agreeable to see the disposition manifested by the State, once more to do something for education at Cambridge, after the lapse of so long an interval in her patronage; and it encourages the hope that her liberality may provide for some of those wants which are heavily felt there, and which by limiting the education of her sons, limit also her own prosperity.

A pleasing instance of the desire to commemorate the benefits received from those who have preceded us, by communicating similar advantages to those who are to follow, has been given by the foundation of a scholarship to be called by the name of the venerable principal of Phillips Academy, Exeter. This has been done by the contributions of many of the pupils of Dr. Abbot, in acknowledgment of their obligations to his instructions and influence; and the income is to be given to a student who is qualified by his merit, and who may stand in need of the aid. The fund is to accumulate till it reaches the amount of $2,000, of which $1,635 have been already collected, chiefly through the kindness and perseverance of Francis Bowen, Esq.

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tans, in spite of the Doric severity of their mode of thought, 'prayed the gods to grant them the beautiful with the good.'" — Alexander von Humboldt's *Cosmos*, 2d Ed. Vol. I. pp. 37 – 39.

A legacy received within the year deserves a grateful mention as the gift of a thoughtful and judicious benefactor. The executors of the will of the late A. W. Fuller, Esq. (Messrs. T. W. Phillips and W. Brigham), have paid into the treasury one thousand dollars left by Mr. Fuller for the benefit of the Theological School connected with the College. This bequest is unrestricted.

Since the last report, the new Medical College has been completed ; and it was occupied by the school last winter, with satisfaction, as is believed, to the professors and students. This department of the University has been enriched by the donation of a large collection of anatomical preparations, presented by Dr. J. C. Warren, Hersey Professor Emeritus. A great proportion of it was the product of his own labor, and is now deposited where it will become the foundation of a Museum of permanent and increasing value.

The subscribers to the Telescope will be pleased to learn that the instrument was safely received and has been successfully mounted and put in operation within the last year. In consequence of the delay of a few months in the delivery of the telescope by the manufacturers (a delay not so long as might have been expected from the death of one of the partners of the house), the tube and other mechanical parts of the instrument did not reach this country till the end of the last Spring, when the tariff of 1846 being in operation, duties were payable which were not anticipated when the subscription was made for the Observatory, and which have materially increased the cost of the instrument to the College. The facilities gratuitously afforded by Messrs. Goodhue & Co. of New York, on several occasions, in receiving and forwarding parts of the instrument, and in other services, are gratefully acknowledged. The performance of the Telescope, so far as it can be estimated by the opportunities for observation which have occurred hitherto, is of so high an order as to justify the best hopes of astronomers, and of all who take an interest in the progress of science. The subscribers may, therefore, reason-

ably expect the satisfactory completion of their design. Thus the fruits of past beneficence afford a pledge of the results which may be anticipated from the ever-fresh liberality exhibited by the public of Boston. It is the pleasing duty of the government of the College, in its various departments, to cultivate the good seed planted in no ungrateful soil, and to bring to a productive maturity the minds and hearts entrusted to their care; and they ask only for the means of doing this effectually and seasonably. It may be hoped that every want felt at the College may be supplied by a community whose hand is so freely opened, and so wisely directed. They need but to know what is requisite, and the effort to fill the deficiency is almost sure to be made, and, if made, to be successful. It is unnecessary to repeat the exposition of wants which was fully given last year; though it may be expedient to say that the deficiency in the means of religious influence, and in books and other apparatus for intellectual culture, remains the same; while the diminishing resources of the Natural History Professorship, and the small fund for the Astronomical Observer, which will last less than one year longer, call more loudly than before for the aid of those who have the will and the ability to do good by the promotion of knowledge.

With regard to the support of the Astronomical Observer, it is thought indispensable that this should be obtained from some source independent of the existing College funds. The very heavy balance against the Observatory must yet be increased about two thousand dollars, in order to pay for a Transit Circle and its mounting, which are nearly completed, to erect a permanent monument on the highlands due north of the Observatory, and to construct an Observer's chair. The spending of so much money from the general fund of the College has been caused, and can be justified, only by the necessity of completing the work begun by subscription, in order that what was done should not be entirely lost. The buildings being now finished, and the apparatus obtained, all future expenses should be met without taxing the undergraduates, for whose benefit the

Observatory acts only indirectly, and not more clearly than it does for that of the whole community without the College walls. The only mode of effecting the good contemplated in the erection of the Observatory, and the purchase of the Telescope, is to supply the means of support by a specific fund.

The usual abstracts of the accounts are herewith respectfully submitted.

SAMUEL A. ELIOT, *Treasurer.*

October 2d, 1847.

No. I.

An Account of the Receipts and Disbursements by the Treasurer Department), for the Year

RECEIPTS AND INCOME.

Balance in Suffolk Bank, Sept. 1, 1846,		$ 2,541·32
Balance in hands of Wm. G. Stearns, Steward,		9,655·99
Balance in hands of Baring Brothers, & Co.,		10,494·79
Interest received on Notes and Mortgages,	21,036·62	
" " of Baring Brothers, & Co.,	126·78	
		21,163·40
Dividends on Stocks and Deposits.		
Charles River Bank Stock,	360·00	
Massachusetts " "	180·00	
Boston " "	749·00	
Merchants' " "	350·00	
Fitchburg, " "	123·50	
New England " "	483·00	
		2,245·50
Boston Manufacturing Co. Stock,	800·00	
Merrimack Manufacturing Co. "	1,100·00	
		1,900·00
United States Stock	600·00	
West Boston Bridge Stock,	217·62	
Albany City "	720·00	
Mass. State Five per cent. Stock,	442·00	
		1,979·62
Deposits in Mass. Hosp. Life Ins. Co. on account of		
James Perkins' Legacy,	1,000·00	
Paul Dudley's "	22·22	
Daniel Williams' "	650 00	
College Funds,	500 00	
Sarah Winslow's Donation,	227·92	
John McLean's Legacy,	1,277·21	
		3,677·35
Annuities. — Charles River Bridge,	3,333·30	
John Glover's,	16·67	
Edward Hopkins,	105·00	
		3,454·97
Rents. — Ward's Island, in Boston Harbor,	50·00	
Webb Estate,	2,240·00	
Houses and Lands, in Cambridge,	908 55	
		3,198·55
Term Bills, charged to Students for Instruction, Rent and Care of Rooms, Lecture-rooms, Patron's Services, Catalogue and Commencement Dinner,		20,586·89
Diplomas. — Balance received, deducting expenses,		202·00
Exhibitions. — Repaid by a Beneficiary,		215 00
Notes and Mortgages, amount received,		16,435·00
William Pennoyer's Annuity received by Baring Brothers & Co.		178·64
Count Rumford's Legacy, from Trustees in Paris,		226·98
Amount carried forward,		$ 98,156·00

No. I.

(including the whole Income and Expenditure through the Steward's ending August 31, 1847.

DISBURSEMENTS.

Salaries and Grants,	$ 28,657·23
Expenses, less by amount credited for Grass and materials sold, Rent of Furniture, breakage charged to Students, $ 5·70 from Sarah Winslow's Donation, and $ 90·31 refunded,	5,414·80
Repairs on the College Buildings, deducting for Special Repairs charged Students, materials sold, &c.	4,328·56
Subscription Fund for Library, for Books purchased, less amount sold (12·58).	2,344·25
Library, Expenses over and above amount charged Students,	169·19
Hollis and Shapleigh Fund, for Books purchased,	22·13
Gore Annuitants,	1,900·00
Exhibitions, paid amount to Beneficiaries, Undergraduates, including income of Mary Saltonstall's and Joanna Alford's Legacies, appropriated by the Overseers,	1,378·75
Professorship of Natural History, being expenses of Botanic Garden, after deducting sums received for Flowers,	1,304·29
Paid to Account of	
Theological Institution, balance of expenses, deducting receipts from Students, and $ 34·12 for land sold,	3,480·82
Paul Dudley's Legacy, to Preacher of Dudleian Lecture,	22·22
Daniel Williams' Legacy for Minister and Teacher among the Marshpee Indians,	650·00
W. N. Boylston's Donation for Medical Prizes, for advertising,	15·95
" " Legacy, Prizes for Elocution,	75·00
History of Harvard College, expenses,	1·45
Count Rumford's Legacy for Salary of Prof. Horsford, 6 months,	750·00
Edward Hopkins' Donation, for "Deturs,"	105·03
Sarah Winslow's Donation towards support of Minister and Schoolmaster in Tyngsborough, and to expenses,	227·92
H. A. Haven's Legacy for Books,	64·98
Observatory, for Instruments and Building,	16,628·16
New Medical College, for building and apparatus,	28,903·26
James Bowdoin's Legacy,	190 00
Law School and Library, being expenses over and above receipts for Instruction, and $ 14·32 for books sold,	354·00
Astronomical Observer and Assistant, and expenses,	2,238·50
Notes and Mortgages, investments in,	59,900·00
Amount carried forward,	$ 159,216·49

No. I.

Amount brought forward,		98,156·00
W. N. Boylston's Donation for Medical Prizes, amount refunded, over paid last year for advertising,		11·13
Houses and Lands, for Sales,		3,683·15
Text-Books. Amount sold, besides charged to Students,		49·89
Subscription Fund for Observatory, last Instalment of Academy of Arts and Sciences,		600·00
Medical College on Mason Street, balance of Sale,		17,963 33
Subscriptions for new Medical College,		3,400·00
Subscriptions to Fund for Astronomical Observer, &c.,		2,300·00
Abbot Scholarship, Subscriptions,	1,635·00	
Deduct Expenses,	20·00	
		1,615·00
Abraham W. Fuller's Legacy,		1,000·00
Abbott Lawrence's Donation,		50,000·00
		$ 178,778·50

No. II.

Account of Income and Expenditure, for the Year ending Aug. 31, Undergraduates, and distinct from the Law, Divinity,

EXPENDITURE.

Salaries for the Year, viz.	
To President Everett,	2,500·00
Professor Walker,	2,000 00
" Peirce,	2,000·00
" Channing,	1,800 00
" Beck,	1,800·00
" Longfellow,	1,800·00
" Felton,	1,800·00
" Lovering,	1,800·00
" Gray,	1,500·00
" Webster,	1,200·00
Mr. Stearns, Steward,	1,200·00
Mr. Torrey, Tutor,	1,200·00
Amount carried forward,	$ 20,600·00

(Continued.)

Amount brought forward,	159,216·49
Boston Bank Stock, for 107 new Shares,	5,350·00
Suffolk Bank, balance in,	754·70
Baring Brothers, & Co., balance in hands of,	1,236·80
Wm. G. Stearns, Steward, balance in hands of,	12,220·51
	$ 178,778·50

No. II.

1847, *for the general Purposes of the College, and the Instruction of and Medical Schools, and the Observatory.*

INCOME.

Interest on Notes and Mortgages,	21,036·62	
" from Baring Brothers, & Co.	126·78	
		21,163·40
Dividends on Stocks,	6,125·12	
" " Deposits,	3,677·35	
		9,802·47
Annuities, including payment of 5 years' annuity Charles River Bridge from Commonwealth,		3,454·97
Rents,		3,198·55
Term Bills,		20,586·89
Diplomas,		202·00
Amount carried forward,		$ 58,408·28

No. II.

Amount brought forward,			$ 20,600·00
To Professor Sparks,			1,000·00
Mr. Merrill, Tutor,			1,000·00
Mr. Hartwell, "			645·00
Mr. Child, "			645·00
Mr. Sales, Instructer in Spanish,			500·00
M. de Laporte, " French,			500·00
Mr. Rölker, " German,			500·00
Dr. Ware,			500·00
Dr. Warren,			500·00
Mr. Emerson, Proctor,			100·00
Mr. Force, "			100·00
Mr. Greenwood, " (6 mo.)			50·00
Mr. Johnson, "			100·00
Mr. Watson, " (5 mo.)			41·67
Mr. Whitcomb, "			100·00
Dr. Pierce, Secretary of Overseers,			60·00
Paid for keeping Records of the Corporation,		200·00	
" " Treasurer's Books,		550·00	
			750 00
" Dr. Francis,			200·00
" Dr. Noyes,			200·00
" President of Parietal Board,			175·00
" Grant to J. Whitney,			390·56
			28,657.23
Paid to Account of			
Repairs,			4,328·56
Library,			169·19
Expenses, General,		3,638·87	
President's Department,		220·25	
Treasurer's "		398·86	
Steward's "		21·86	
Professor Lovering's Department,		252·74	
" Webster's "		176·52	
" Horsford's "		145·28	
Committees of Overseers,		510·42	
Monuments of Presidents,		50·00	
			5,414·80
			38,569·78
Leaving Amount of Income over Expenditure,			2,943·92
			$ 41,513·70

(Continued.)

Amount brought forward,		$ 58,408·28
Less by Income credited to particular Accounts (Exhibitions, Trusts, &c.), viz.		
Joshua Fisher's Legacy,	615·18	
Ward N. Boylston's Donation for Books (to Museum Fund),	27·50	
Gore Annuity Fund (to Annuitants),	1,900·00	
Theological Institution,	702·43	
Paul Dudley's Legacy,	22 22	
Nathan Dane's Donation (to Law School),	750·00	
Isaac Royall's Legacy, " "	397·18	
Professorship of Natural History,	847·45	
Exhibitions (to indigent Students),	1,136·92	
Senior Exhibitions,	60·00	
Daniel Williams' Legacy,	650·00	
John Glover's Annuity (to indigent Students),	16·07	
Parkman Professorship (to Theological Institution),	762·66	
Hancock Professorship (to Theological Institution),	1,251·85	
John Foster's Legacy (to Theological Institution),	151·02	
Henry Lienow's Legacy (to Theological Institution),	209·12	
Hollis Professorship of Divinity,	220·44	
Jackson Foundation and Fund (to Theological Institution),	1,043·05	
Count Rumford's Legacy,	1,587·51	
W. N. Boylston's Donation (for Medical Prizes),	150·00	
Edward Hopkins' Donation (for "Deturs"),	105·00	
Sarah Winslow's Donation (to Town of Tyngsborough),	227·92	
Subscription Fund for Library,	400·67	
Horace A. Haven's Legacy,	140·26	
Sears Fund,	250·00	
John McLean's Legacy,	463·79	
W. N. Boylston's Donation for Museum,	662·06	
" " Prizes for Elocution,	100·00	
Peter C. Brooks' Donation,	500·00	
Law School and Library,	812·59	
Nancy Kendall's Legacy (to Theological Institution),	100·00	
Subscription Fund for Astronomical Observer, &c.,	67·58	
James Bowdoin's Legacy (to Prizes for Dissertations),	269·85	
Hollis and Shapleigh Fund,	300·00	
Abbot Scholarship,	53·66	
		16,894·58
Leaving Amount of Income during the year, and applicable to salaries and other general purposes of the College,		$ 41,513·70

No. III.

Accounts of the Law, Theological, and Medical

Dr. *Law School*

For paid for Insurance,			$ 67·50
Repairs, Sweepers, &c.,			1,057·99
Books purchased,			1,423·52
Binding,			189·25
Furniture, Printing, Stationery, &c.,			232·06
Advertising,			518·00
Salary to Professor Greenleaf,		3,000·00	
" " Kent,		3,000·00	
" Mr. Valentine, 9 mo.		300·00	
" " Stone, Librarian, 6 mo.		50·00	
" " Chamberlin, " "		50·00	
Grant to " Stone,	50·00		
" " Chamberlin,	50·00		
		100·00	
			6,500·00
Term Bills remitted,			125·00
Balance due this Account, August 31, 1847,			18,912 13
			$ 29,025·45

Dr. *Theological*

For paid Salary to Professor Noyes,		$ 1,800·00	
" " Francis,		1,800·00	
Grant for Services in College Chapel,		400·00	
			4,000·00
Repairs, Superintendent, &c.,		851·92	
Fuel,		38·75	
Anniversary expenses,		91·28	
Books purchased,		75 63	
Binding,		23·01	
Printing,		6·50	
			1,087·09
Beneficiaries,			1,151·35
Balance due this Account,			16,168·75
			$ 22,407·19

No. III.

Schools, the Library and Observatory.

and Library. Cr.

By Balance due this Account, August 31, 1846,		$17,306·36
Amount of Term Bills,	10,825·00	
Deduct amount paid Library,	1,080·00	
		9,745·00
Amount for books sold,		14·32
Income of Nathan Dane's Donation,	750·00	
" Isaac Royall's Legacy,	397·18	
		1,147·18
Interest on this Account to Aug. 31, 1847,		812·59
		$29,025·45

Institution. Cr.

By Balance due this Account, August 31, 1846,		$15,533 75
Amount of Term Bills, for Instruction, Library, and Rent,	2,471·00	
Deduct amount paid to Library,	147·50	
		2,323 50
Amount received for Land sold,		34·12
Income from Consolidated Fund for Parkman Professorship,	762·66	
Income from Consolidated Fund for Hancock Professorship,	1,251·85	
Income from John Foster's Legacy,	151·02	
" " Henry Lienow's Legacy,	209·12	
" " Jackson Foundation and Fund,	938·74	
" " Nancy Kendall's Legacy,	100·00	
		3,413·39
Amount from Salaries and Grants, for Services of Professors in College Chapel, per Vote of the Corporation,		400·00
Interest on this Account to August 31, 1847,		702·43
		$22,407·19

No. III.

Dr. *Medical*

For paid on Contracts, &c., for building, to Aug. 31, 1846,	$ 11,650·00
" " " Aug. 31, 1847,	28,993·26
	$ 40,643·26

Dr. *Library.*

For paid Salary to Dr. Harris,		1,000·00	
" Mr. Sibley,	600·00		
Mr. Sibley for extra service,	284·55		
" Grant for Room-rent,	24·00		
		908·55	
Mr. Thayer, services,		537·60	
			2,446·15
Mr. Kiernan, "			336·00
Repairs,		58·56	
Fitting up room for State Standards,		251·21	
Stationery, &c.		75·92	
			385·69
Fuel,			221·26
Binding,			252·30
Books purchased,			547·35
			$ 4,188·75

Dr. *Subscription Fund for*

For Books purchased,	$ 2,356·83
Balance, Aug. 31, 1847,	7,441·78
	$ 9,798·61

Dr. *Hollis and Shapleigh*

For paid for Books, including amount transferred to Subscription Fund,	$ 150·00
Balance, Aug. 31, 1847,	6,150·00
	$ 6,300·00

(Continued.)

School. Cr.

By Subscriptions received in 1846,	$ 1,200·00	
part of Amount of Sale of Mason St. Estate	5,000·00	
		6,200·00
Subscriptions received in 1846 and 1847,	3,400·00	
Balance of Sale of Mason St. Estate,	17,963·33	
		21,363·33
		27,563·33
Balance Aug. 31, 1847, guaranteed by Professors,		13,079·93
		$ 40,643·26

Library. Cr.

By Amount received of Resident Graduates for use of Library,	$ 40·00	
Do. from Divinity Students,	147·50	
" Law "	1,080·00	
" Undergraduates,	1,950·00	
		3,217·50
Amount received from Commonwealth for fitting up room for State Standards,		251·21
Catalogues sold,		3·50
Amount for Books transferred to Subscription Fund for Library,	445·35	
Books sold,	102·00	
		547·35
Profit and loss for Balance,		169·19
		$ 4,188·75

College Library. Cr.

By Balance, Aug. 31, 1846,		$ 9,176·21
Interest to Aug. 31, 1847,		400·67
Received for Books sold,		12·58
Amount transferred from Hollis and Shapleigh Fund,	127·87	
" " " H. A. Haven's Legacy,	81·28	
		209·15
		$ 9,798·61

Fund for Library. Cr.

By Balance, Aug. 31, 1846,	$ 6,000·00
Interest to Aug. 31, 1847,	300·00
	$ 6,300·00

No. III.

Dr. *Subscription Fund for Astronomical*

For refunded M. Latham, amount overpaid on Subscriptions last year,		$ 50·00
paid collecting Subscriptions,		43·50
" Mr. Bond, Observer,	1,500·00	
" G. P. Bond, Assistant Observer,	645·00	
		2,145·00
Balance due this Account, Aug. 31, 1847,		2,129·50
		$ 4,368·00

Dr. *Subscription Fund*

For Balance, Aug. 31, 1846,	$ 16,922·88
Paid for Instruments,	13,573·63
" on Account of Dome,	2,201·35
" for Fixtures, Fuel, and Labor on Road,	853·18
	$ 33,551·04

No. IV.

Accounts of Funds in Trust,

Dr. *Exhibitions.*

For Amount of "Exhibition" money voted and paid to		
Seniors,	365·00	
Juniors,	430·00	
Sophomores,	298·75	
Freshmen,	285·00	
		1,378·75
Balance due this Account, Aug. 31, 1847,		
Principal,	25,629·54	
Income,	1,959·27	
		27,588·81
		$ 28,967·56

(Continued.)

Observer and Assistant. Cr.

By Balance due this Account, Aug. 31, 1846,	$ 1,875·42
Subscriptions,	2,300·00
Part of the Income of the Sears Fund,	125·00
Interest on this Account to August 31, 1847,	67·58
	$ 4,368·00

for Observatory. Cr.

By Subscription from American Academy, last instalment,	$ 600·00
Balance, Aug. 31, 1847,	32,951·04
	$ 33,551·04

No. IV.

for various Purposes.

Exhibitions. Cr.

By Balance due this Account, August 31, 1846,		
Principal,	$ 25,414·54	
Income,	1,951·79	
		27,366·33
One year's interest on the Balance of this Fund, consisting as above of	27,366·33	
Deducting the Pennoyer Legacy,	4,444·44	
and Glover Annuity,	350·00	
	4,794·44	
	22,571·89	1,130·92
One year's Income on Senior Exhibitions,	60·00	
" " John Glover's Annuity,	16·67	
" " W. Pennoyer's "	178·64	
		255·31
Repaid by a Beneficiary, including interest,		215 00
		$ 28,967·56

No. IV.

Dr. *Professorship of*

For paid Repairs,	$6·98
Hire of laborers and other expenses,	649·14
Salary of Gardener, and Grant,	791·09
Balance due this Account, August 31, 1847,	16,676·84
	$18,124·65

Dr. *Count Rumford's*

For paid Professor Horsford's Salary for six months,	$750·00
Balance due this Account, August 31, 1847,	32,908·41
	$33,658·41

Dr. *John McLean's*

For paid Professor Sparks' Salary for the year,	$1,000·00
Balance due this Account, August 31, 1847,	28,479·45
	$29,479·45

Dr. *Sears*

For part of Income to Subscription Fund for Astronomical Observer, &c.,	$125·00
Balance due this Account, August 31, 1847,	5,250·00
	$5,375·00

Dr. *James Bowdoin's*

For paid Prizes,			$190·00
Balance, Aug. 31, 1847,	Principal,	2,500·00	
	Income,	3,000·30	
			5,500·30
			$5,690·30

Dr. *Ward N. Boylston's*

For paid Prizes,	$75·00
Balance, Aug. 31, 1847,	2,110·20
	$2,185·20

(Continued.)

Natural History. Cr.

By Balance due this Account, August 31, 1846,	$17,133·68
Received for Flowers, &c., sold,	143·52
Interest to August 31, 1847,	847·45
	$18,124·65

Legacy. Cr.

By Balance due this Account, August 31, 1846,	$31,843·92
Income from Trustees of Count Rumford in Paris,	226·98
Interest to August 31, 1847,	1,587·51
	$33,658·41

Legacy. Cr.

By Balance due this Account, August 31, 1846,	$28,075·66
Interest to August 31, 1847,	1,403·79
	$29,479·45

Fund. Cr.

By Balance due this Account, August 31, 1846,	$ 5,125·00
Interest to August 31, 1847,	250·00
	$ 5,375·00

Legacy. Cr.

By Balance, Aug. 31, 1846,	Principal,	$2,500·00	
	Income,	2,920·45	
			5,420·45
Interest to Aug. 31, 1847,			269·85
			$5,690·30

Prizes for Elocution. Cr.

By Balance, Aug. 31, 1846,	$2,085·20
Interest to Aug. 31, 1847,	100·00
	$2,185·20

No. IV.

Dr. *Ward N. Boylston's Donation*

For paid Advertising,		$ 15·95
Balance, Aug. 31, 1847,		3,134·05
		$ 3,150·00

Dr. *Paul Dudley's*

For paid Rev. Mr. Furness one year's income for delivering Dudleian Lecture,		$ 22·22
Balance, Aug. 31, 1847,		444·44
		$ 466·66

Dr. *Edward Hopkins'*

For paid Books for "Deturs,"		$ 105·03
Balance, Aug. 31, 1847,		127·71
		$ 232·74

Dr. *Sarah Winslow's*

For paid Rev. Wm. Morse, Minister of Tyngsborough, half the net income of this Fund, to January, 1847,		$ 111·11	
For paid R. B. Hildreth, for services as Schoolmaster in Tyngsborough, half the net income of this Fund, to January, 1847,		111·11	
			222·22
For paid two and a half per cent. commission on income, carried to account of expenses,			5·70
For Balance, Aug. 31, 1847,	Principal,	4,558·34	
	Income,	741·28	
			5,299·62
			$ 5,527·54

Dr. *Daniel Williams' Legacy for*

For paid Rev. Phineas Fish, one third of the income for 1846,		$ 216·67	
For paid Charles Marston, Commissioner of the Marshpee Indians, two thirds of same,		433·33	
			650·00
For Balance, Aug. 31, 1847,	Principal,	13,000·00	
	Income,	2,123·35	
			15,123·35
			$ 15,773·35

(Continued.)

for Medical Prizes. Cr.

By Balance, Aug. 31, 1846,	$2,988·87
Received Amount overpaid for advertising last year,	11·13
Interest to Aug. 31, 1847,	150·00
	$3,150·00

Legacy. Cr.

By Balance, Aug. 31, 1846,	$ 444·44
Income for one year,	22·22
	$ 466·66

Donation for "Deturs." Cr.

By Balance, Aug. 31, 1846,	$ 127·74
Received of Treasurer of Hopkins Fund,	105·00
	$ 232·74

Donation. Cr.

By Balance, Aug. 31, 1846,	Principal,	$ 4,558·34	
	Income,	741·28	
			5,299·62
Income for one year,			227·92
			$ 5,527·54

Preaching the Gospel among the Indians. Cr.

By Balance, Aug. 31, 1846,	Principal,	$ 13,000·00	
	Income,	2,123·35	
			15,123·35
Income for one year,			650·00
			$ 15,773·35

No. IV.

Dr. *The Jackson Foundation and*

For paid Theological Institution, for Beneficiaries,		$938·74
By Balance, Aug. 31, 1847, Principal,	19,440·59	
Income,	1,524·68	
		20,965·27
		$ 21,904·01

Dr. *Nancy Kendall's Legacy*

For paid Theological Institution for Beneficiaries,	$100·00
Balance Aug. 31, 1847,	2,000·00
	$2,100·00

Dr. *Abraham W. Fuller's*

Balance, Aug. 31, 1847,	$ 1,000·00

No. V.

ACCUMULATING

The Income of which is at present

Ward N. Boylston's Fund for Museum.

By Balance, Aug. 31, 1846,	$ 13,241·14
Income of Boylston's Donation for Books for the year, transferred,	27·50
Interest to Aug. 31, 1847,	662·06
	$13,930·70

Hollis Professorship of Divinity.

By Balance Aug. 31, 1846,	$4,408·79
Interest to Aug. 31, 1847,	220·44
	$4,629·23

No. VI.

Dr. *Stock*

Balance, Aug. 31, 1847,	$175,670·81

(Continued.)

Fund for Theological Students.

			Cr.
By Balance, Aug. 31, 1846,	Principal,	$ 19,440·59	
	Income,	1,420·37	
			20,860·96
Interest for one year,			1,043·05
			$ 21,904·01

for Theological Students.

	Cr.
By Balance, Aug. 31, 1846,	$ 2,000·00
Interest for one year,	100·00
	$ 2,100·00

Legacy.

	Cr.
By amount received from Thomas W. Phillips and William Brigham, Esquires, Executors, Aug. 2, 1847,	$ 1,000·00

No. V.

FUNDS,

added to the Principal.

Peter C. Brooks' Donation.

By Balance Aug. 31, 1847,	Principal,	$ 10,000·00	
	Income,	229·17	
			10,229·17
Interest to Aug. 31, 1847,			500·00
			$ 10,729·17

Abbot Scholarship.

By Subscriptions received during the year by F. Bowen, Esq., less expenses,	$ 1,615·00
Interest to Aug. 31, 1847,	53·66
	$ 1,668·66

No. VI.

Account.

	Cr.
By Balance, Aug. 31, 1846,	$ 172,726·89
Profit and Loss, amount of Income over Expenditure,	2,943·92
	$ 175,670·81

No. VII.

The following Account exhibits the State of the Property, as embraced and balanced in the Treasurer's Books, August 31, 1847 (*The College Buildings, with the Library, and other Property contained in them belonging to the College, and the Grounds under and adjoining the same, have no fixed pecuniary Value attached to them in the Treasurer's Books.*)

Stocks.

Bank.	Charles River, 60 shares,	$ 6,000·00	
	Massachusetts, 12 "	3,000·00	
	Boston, 321 "	16,959·50	
	Merchants', 50 "	5,416·75	
	Fitchburg, 19 "	2,023·50	
	New England, 69 "	6,943·75	
			40,343·50
Manufacturing.	Merrimack Man. Co, 10 shares,	10,000·00	
	Boston Man. Co., 10 "	7,500·00	
			17,500·00
Canal.	Middlesex, 60 shares,		2,400·00
State.	Massachusetts,		8,964·80
	United States,		11,150·00
City.	Albany City,		12,665·00

Debts and Balances.

Notes and Mortgages,	$ 403,231·00
Balance in hands of Wm. G. Stearns, Steward,	12,220·51
Balance in hands of Baring Brothers, & Co.,	1,236·80
Balance in Suffolk Bank,	754·70

Real Estate.

Houses and Lands in Cambridge,	$ 103,834·25	
Webb Estate in Boston,	28,237·58	
Ward's Island, in Boston Harbor,	1,200·00	
Reversion of certain buildings in Brattle Street, Boston,	1,000·00	
Pews in First Parish Meetinghouse in Cambridge,	410·00	
		134,681·83

Other Property.

Text-books, value on hand,	$ 843·26	
Observatory, balance at debit of,	32,951·04	
History of Harvard University,	828·02	
New Medical College, balance at debit of,	13,079·93	
		47,702·25

Annuities.

West Boston Bridge,	$ 9,011·11	
William Pennoyer's,	4,444·44	
John Glover's,	350·00	
		13,805·55
Amount carried forward,		$ 706,655·94

No. VII. (Continued.)

And the foregoing Property represents the following Funds and Balances, and is answerable for the same.

Balance of Stock Account, the common fund of the College,		$ 175,670·81
Funds towards Salaries and Grants for Professors and Tutors, who instruct Undergraduates.		
John Alford's Legacy,	26,427·28	
Nicholas Boylston's Legacy,	26,988·00	
Samuel Eliot's Donation,	20,590·00	
William Erving's Legacy,	3,333·34	
Joshua Fisher's Legacy,	32,918·81	
John McLean's Legacy,	28,479.45	
James Perkins' Legacy,	20,000·00	
Abiel Smith's Legacy,	22,037·93	
Fund for Permanent Tutors,	24,478·13	
Count Rumford's Legacy,	32,908·41	
Hollis Professorship of Mathematics,	3,568·89	
Hersey Professorship of Anatomy, &c.,	16,677·13	
		258,407·37
Funds appropriated to the Law Department.		
Nathan Dane's Donation,	15,000·00	
Isaac Royall's Legacy,	7,943·63	
Balance at credit of Law School and Library,	18,912·13	
		41,855·76
Funds appropriated to the Theological Department.		
Balance to credit of Theological Institution,	16,168·75	
Consolidated Fund for the Parkman Prof.,	15,253·15	
Consolidated Fund for the Hancock Prof.,	25,036·96	
Jackson Foundation and Fund,	20,965·27	
Henry Lienow's Legacy,	4,182·31	
Nancy Kendall's Legacy,	2,000·00	
A. W. Fuller's Legacy,	1,000·00	
		84,606·44
Funds appropriated to the Library.		
Subscription Fund for Library,	7,441·78	
Horace Appleton Haven's Legacy,	2,957·65	
Hollis and Shapleigh Fund,	6,150·00	
		16,549·43
Funds for Prizes.		
James Bowdoin's Legacy,	5,500·30	
W. N. Boylston's Legacy for Elocution,	2,110·20	
W. N. Boylston's Donation for Medical Prizes,	3,134·05	
Edward Hopkins' Donation for "Deturs,"	127·71	
		10,872·26
Funds in trust for various purposes.		
Professorship of Natural History,	16,676·84	
Gore Annuity Fund,	38,000·00	
Paul Dudley's Legacy,	444·44	
John Foster's Legacy,	3,020·48	
Sarah Winslow's Donation,	5,299·62	
Daniel Williams' Legacy,	15,123·35	
Sears Fund,	5,250·00	
Subscription Fund for Astronomical Observer, balance to credit of,	2,129·50	
Abbot Lawrence's Donation,	50,000·00	
W. N. Boylston's Fund for Books,	550·00	
		136,494·23
Amount carried forward,		$ 724,456·30

No. VII. (Continued.)

Amount brought forward, . .	$ 706,655·94
In hands of Count Rumford's Trustees in Paris, . . .	4,000·00
Deposits in Mass. Hospital Life Insurance Office, . .	73,546·93
	$ 784,202·87

No. VII. (Continued.)

Amount brought forward, . . .		$ 724,456·30
Funds for assisting Indigent Students.		
Exhibitions, ...	27,588·81	
Seniors' Exhibitions, ...	1,200·00	
		28,788·81
Funds accumulating for various purposes.		
W. N. Boylston's Fund for Museum, . .	13,930·70	
Hollis Professorship of Divinity, . .	4,629·23	
Peter C. Brooks' Donation, ...	10,729·17	
Abbot Scholarship, ...	1,668·66	
		30,957·76
		$ 784,202·87

Certificate of the Committee of the Corporation for examining the Books and Accounts of the Treasurer, entered in the Journal kept by him.

The undersigned, a Committee appointed by the President and Fellows of Harvard College to examine the Books and Accounts of the Treasurer for the year ending August 31, 1847, have examined from page 76 to 148 inclusive, and have seen that all the bonds, notes, mortgages, certificates of stock, and other evidences of property which were received by him and on hand at the beginning of said year, are now in his possession or fully accounted for by entries made herein. They have also noticed all payments, both of principal and interest, indorsed on any of said bonds or notes, and seen that the amounts so indorsed have been duly credited to the College.

They have carefully examined all notes, bonds, mortgages, and other securities invested during the said year, and are of opinion, that all such investments are judiciously made and amply secured.

They have in like manner satisfied themselves that all the entries for moneys expended by the Treasurer, or in any way charged to the College, are well vouched; such of them as are not supported by counter entries being proved by regular vouchers and receipts, with the exception of petty charges and expenses, which from their nature do not admit of this kind of evidence.

The Committee have also seen that all the entries for said year are duly transferred to the Leger, and that the accounts there are rightly cast, and the balances carried forward correctly to new accounts.

(Signed) EDWARD EVERETT, JOHN A. LOWELL, } Committee of the President and Fellows of Harvard College.

Boston, October 2nd, 1847.

A

LETTER

TO THE

PRESIDENT OF HARVARD COLLEGE.

BY

A MEMBER OF THE CORPORATION.

BOSTON:

CHARLES C. LITTLE AND JAMES BROWN.

1849.

CAMBRIDGE:
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LETTER.

To Jared Sparks, LL.D.,

President of Harvard College.

Sir:

As you have recently been appointed to that distinguished and important office, which, during the whole history of Massachusetts, has been, not only one of the most honorable stations in the community, but one of those which it has always been most difficult to fill, the present moment seems a suitable one to address you on the nature of the position, and the present circumstances of the college. It is, no doubt, in consequence of the difficulty of finding a well-qualified incumbent, in consequence of the multiplied attainments, and the various and seemingly inconsistent powers which are requisite to perform the accumulated duties of the office, that it is esteemed so honorable to any man to attain it; and you must allow me to congratulate you that your merits have been so recognized by the appointing powers, and so cordially acknowledged by the public generally, as to secure to you this position, with such universal approbation. The talents of the wisest man, and the virtues of the best, find an ample field for exercise and cultivation in the office of President of Harvard College; and while he who

faithfully and discreetly performs its duties must be improving himself by laborious effort, he has the reward of knowing that he is contributing to the improvement of others, of many generations, by the good influence he exerts, by the beneficial changes he may introduce, and most of all, by the example he sets of unwearied exertion and generous self-sacrifice.

The President is the centre around which revolves the whole complicated machinery of the college, and he must direct his eye, in rapid succession, upon the system of instruction and discipline of undergraduates, — upon the management of the more advanced schools connected with the earlier institution, — upon the manner in which the various parts, under the direction of many different officers, are respectively conducted, — upon the general principles which are to regulate the whole, and bind all together in one system, — upon the appointments which are so often to be made, the selection of the best men that can be obtained, for a great variety of places, — upon the management of the external affairs of the college, its finances and resources, and its intercourse with the parents of the pupils, — upon its connection with the Commonwealth through the Corporation and Board of Overseers, — and last, not least, upon its relations to its numerous friends, alumni and patrons, who, without direct power over its action, exercise a magnetic influence upon its destiny, not the less efficient because it is invisible, and whose real and affectionate interest in the literary mother of so many illustrious sons, may be greatly augmented or diminished, both in activity and intensity, by the discretion or indiscretion, the

effort or the neglect of the President. For the best discharge of these duties it is sufficiently evident that he must bring to the place a large amount of scholarship, of thorough and extensive learning, a practical acquaintance with human nature, as it shows itself under every variety of age, development, and condition, a knowledge of what is somewhat technically called business, and an extensive familiarity with literary and scientific men and institutions; he must possess a sympathizing heart, that he may acquire the beneficent influence which that alone can give, and, at the same time, firmness, that he may administer a fatherly discipline, or resist projects of useless change; sagacity to discern motives, and charity to judge them; enterprise, to stimulate to improvement, and discretion, to prevent a waste of efforts; and to all these high qualities he must add the personal virtues of integrity, purity, and piety, for without these, he will most assuredly fail, though in all other requisites he were the foremost man of all the age.

As one of the alumni of Harvard, I rejoice most sincerely that, possessing, as you do, so many of the most important requisites for the place, you have been selected for it, and have devoted yourself to its high duties, and its noble incitements. But you are not to imagine that all the difficulties of the post have been pointed out in the preceding sentences. The qualities which have been enumerated are those which will be called forth in the practice of the daily routine of duties, under even the most favorable circumstances; while their very highest efforts will be necessary, to meet the occasional trials of controversy, and the more

constant effects of the ignorance and prejudice which pervade large classes of the community, in respect to the organization, the objects, and the resources of the college, and its effects upon society. It is perfectly astonishing to one who considers the matter, without going very deeply into the natural history of fault-finding, how long and how constantly the college, which was founded for great ends by our progenitors, and has always been an object, not merely of generosity, but of affection and pride, in the secret heart of the people, has yet been the visible subject of little but reproach and blame from every quarter. At one time it is accused of heresy, at another of treason; its organization is deemed the worst possible, its instruction is behind the demands of the age; sometimes too much, sometimes too little is taught; now, attention to purely collegiate studies, Latin, Greek, and metaphysics, supersedes the more important practical pursuits of the day; and now, the ancient classics, the fountains and sources of all real knowledge, are neglected for science falsely so called; and the resources of the college are wasted upon things that have nothing to do with education. But perhaps the most fruitful cause of complaint, is the discipline of the institution, which can, by no possibility, be made to conform to the heterogeneous opinions that are promulgated on every side. One man complains that there is no discipline at all, and that his son has been ruined by the neglect of the officers; another declares it is shamefully severe, and that the prospects of his son have been blighted by an extreme punishment for a venial offence.

These conflicting opinions, which are obviously not

so much the reflection of the real faults of the college, as the results of individual habits of thinking and feeling, are constantly poured into the ear of the President; and it is no small part of his business to justify the ways of the college to private complainants of all these various kinds. They are also frequently expressed in the most public manner, by all sorts of persons, the ignorant and the well-informed, those who are not acquainted with the history of the institution, and those who are; — sometimes by those who hold office under its organization, and sometimes by those who have had no connection with it.

I do not address you, however, to overwhelm you by the contemplation of the difficulties and trials which necessarily belong to the office of President, but to do something, if I can, to relieve you from any needless apprehension of reproach arising from accusations of the college, whether new or old, which however plausible they may appear at first view, are, in reality, unfounded and unjust.

The latest exhibition of this prevalent spirit is contained in the last number of the North American Review; in an article, the writer of which goes pretty deeply into the subject, shows a considerable acquaintance with the wrong side of the carpet, but cannot make out the figures which appear on the other, and who has apparently studied the history of the college to a considerable extent, not with any purpose of charitably hiding its faults, but with what he would consider, perhaps, as the still more charitable design of probing every wound, without much regard to the immediate sufferings of the patient. Before using the

knife, it will be well to ascertain if the supposed injuries are any thing more than imaginary discolorations of the surface, which cannot be even discerned in the clear light of truth and candor.

I believe that much of misapprehension, as to the proper character of the institution, has arisen from the names that have been given to it; and though there has been a good deal of discussion whether it should be called College or University, and the reviewer takes side strongly in favor of the former, yet it does not seem to have occurred to the parties, that neither term fitly describes the institution which was founded by "the Court" of Massachusetts, and the Rev. John Harvard, if the meaning be understood to be that attached to the words in Europe. In England, a college is usually a rich establishment, founded very much like the still more ancient monasteries, upon independent resources sufficient to erect and maintain all the necessary buildings, chapel, cloisters, library, refectory, &c., to furnish the support and compensation of all the officers, and instructers, and commonly, also, of a large portion, if not of the whole of the students. Sometimes, too, fellowships, as they are called, are provided for the entire support of graduates who intend to devote themselves, in celibacy, to the pursuit of particular studies. If this be compared with our establishment, there will be found a difference, not merely in degree, of wealth, or learning, or talent, but in kind, which cannot be reconciled till sufficient funds are provided for the erection and maintenance of all necessary buildings and apparatus, the support of all officers, and of a portion, at least, of the students. The important

bearing of this difference upon the course of instruction and discipline which is possible in the one institution and impossible in the other, will not be overlooked by any one who gives the slightest attention to the subject; and doubtless much of the complaining of the want of discipline and steadiness of system of instruction at our Cambridge arises from its having been always called "a college," which is supposed to be capable of carrying on both instruction and discipline, with a firm and independent hand. This has never been possible with us, because the whole establishment was originally, and four-fifths of it continue still to be absolutely dependent upon the students who frequent it. Those who pay for an article are apt to have some influence upon those who sell it, in all countries, but far more in this than in any other.

On the continent of Europe, "a college" approaches nearer in signification to what we mean by a high school, than to the English meaning of the word; while by a derivative use in the German universities, *collegium* means a private course of lectures, for which a fee is paid to the professor who gives them. Of course, little resemblance can be traced between these uses of the term and ours. Still smaller is the resemblance between the European meaning of the word university, and our application of it. In England, a university is a collection of colleges, associated together by the heads of each, for certain purposes. On the continent, it includes a considerable variety of institutions for education, but is most generally understood as the proper title of the great German schools for professional and advanced instruction of all kinds, where

nothing is furnished to the student but courses of lectures; where the professors are maintained in part by government, who alone appoints them, and in part by fees; where the student may attend what lectures he pleases, and may often select his instructer from among a half dozen on the same subject, according to the price, and the estimate he puts upon the respective value of each course; and where the discipline is little else than that of the city or town police.

It is manifest that our Harvard has so little resemblance to either kind of institution, as known in Europe, that it is not of the smallest consequence whether it is called one, or the other, or either indiscriminately, notwithstanding the unfortunate allusion of the reviewer to the *alias* of a criminal in a court of justice. It is certain that Harvard College, *or* the University at Cambridge has been, through all its past history, continues to be at the present moment, and is likely to be forever hereafter, a peculiar institution, — a New England institution, honorably unlike any of those after which it has been named, and distinguished more for its struggles to live and labor, than for the abundance of its resources; for its constant endeavor to adapt itself to the wants of the community in which it exists, than for its power over systems of education, or systems of discipline; for its practical influence upon the leading minds of the country, than for the splendor of its appointments, or the dignity of its offices. John Harvard is said to have founded a college; but what a difference between the extent of the edifice of which he laid the second stone, and those "twins of learning" established by a man of unmeasured wealth,

power, and worldly ambition, a century before! The difference between the palace of Hampton Court, the Cardinal's own residence, and Harvard's humble dwelling at Charlestown, is not more striking, nor more instructive.

Harvard College, like most other American colleges, has always been, and is still, *poor* in physical resources. What! I hear some one exclaim, with an abundance of New England notions of thrift and wealth in his head, Harvard College poor! when it has been receiving such immense donations from the government of the state, and from rich individuals, for two hundred years and more; when it is by far the richest college in the country, and actually possesses more than $750,000, besides all the college grounds, and buildings, and books! Yes, I say again, — and I wish to impress the true meaning of the word, and the true causes of the fact, if I can, upon the mind of every reader, — Harvard College is very poor; and is compelled to be a beggar for those necessaries of life, which, if it had been rich, would have been furnished long ago. I will begin my explanation of the relative terms, poor college, and rich college, by stating what is necessary to constitute the latter, in my judgment.

A rich college is one which has funds, well and permanently invested, sufficient to erect upon its own ground, and keep in repair, all desirable buildings, including chapel, library, lecture-rooms, dwellings for the officers and students, dining-halls, cabinet-rooms, and all other proper structures whatsoever; to support and compensate the instructers, and all officers from the highest to the lowest; to support and instruct all

the students; to furnish all necessary apparatus of instruments, collections and books; and finally to be able to procure some appropriate luxuries, such as costly and showy books, coins, medals, &c., and such suitable pictures, sculpture, and exterior architectural decorations, as may add to the charm of collegiate life, and to the affection with which a generous mother should and must inspire a generous child.

Magnificent as all this may sound, it is no more than is actually accomplished elsewhere; it is not more than is effected at West Point; it is no more than was designed by Stephen Girard for his college; and it is no more than can be done at any moment for Harvard College, whenever the legislature, or a few scores of wealthy individuals, shall will it. Compare the condition of an institution like the one described, with that of our college, and I think that pauperism and beggary will be acknowledged to be not inappropriate words for its state. About one half of the salaries of the professors in the academic department are paid for by independent funds, and the other half, together with the compensation of all the other officers of the same department, the president, tutors, librarians, proctors, and of all of the servants, janitors, sweepers, and as many as there be, are left unprovided for; the buildings have been begged, one by one, of the legislature, and no funds exist wherewith to repair them; books are wanted for the library, but no funds, or next to none, exist to buy them; collections are wanted, but cannot be obtained; instruments, but they are again the objects of solicitation. All these things must be charged upon the students, if procured, and the stu-

dents cannot pay for them; and consequently much that is really necessary in the college is wanting, and things are done, not as they should be, but as they can be; and while the nurse is famishing for want of sufficient food, the nursling is compelled to pay for an inadequate supply of his mother's milk.

How does this correspond, it may be asked, with the praises which are lavished upon the benefactors of Harvard College, with the eulogies which are constantly passed upon the bounty even of our enterprising forefathers, and the generosity of our richer contemporaries? If they have been so liberal to the college for two hundred years and upwards, how can it be that the school is still so poor? The explanation is easy. The state and individuals have, at all times, made donations, which, in respect to their means, were truly generous and noble, but which, considered in reference to their objects, were insufficient and scanty. The views of the public as to the liberality of donations, have naturally been more directed to the extent of the resources from which they were drawn, than to the magnitude of the object to which they were to be devoted; and it must be remembered that what is great, when regarded from the one point, may be very diminutive when viewed from the other. It is a very liberal act, one deserving of all commendation, for a few individuals to give $20,000 for the increase of the library of the college; but a fund of twenty times that amount, like that given to the city of New York, by Mr. Astor, is what is truly needed to meet the exigencies of the department; to furnish the books that are constantly asked for in vain, to provide for their preserva-

tion, to pay the necessary officers, and to erect and repair the building designed for them. Who can wonder, then, and who can reasonably find fault with the managers of the college, if, even after what are called, and justly called, most liberal donations, they still complain of poverty? They are poor, and they will continue to be poor, until the public shall have so far enlarged their ideas of the nature and design of a college, as to supply, in a permanent manner, all those wants, which are permanent in their nature; and shall relieve the friends of the school from the necessity of begging, alike for new wants and old wants, for needs which are perpetually recurring, and for those which spring up with the new circumstances which rise so fast around us.

It is quite natural and excusable in a person not educated at college himself, and not familiar with institutions for collegiate and professional education, that there should be something more than wonder in his mind at the apparent inconsistency above alluded to. But it is a little different with one who is acquainted with the numerous and vast unsupplied wants of Harvard College, and yet complains of her perpetual asking for aid. He who knows what such an institution should be, and what our college is, if he be a true friend of education, should join in these supplications, should support them with his sympathy and effort, and find no fault that is not thrust upon his notice by its enormity. Whatever is venial he should forgive, what is inexcusable, he should lament and palliate. The only chance for filling up the deficiencies which exist must be derived from the favor of the public; and that favor is scarcely likely to be secured, if her professed

friends can see, or can point out, nothing but errors in her whole history, nothing but blunders in her present condition.

There is quite a long catalogue of the supposed mistakes of successive ages contained in the article in question; and I propose to examine them all, and ascertain whether the writer is justifiable in his accusations, or whether he has committed an error as great as those which he charges upon others, in making prominent ill-founded complaints.

It is something new in the history of the misdeeds of the college, that it should be charged with receiving too much, or rather too many donations. In the universal dearth of means, it was certainly natural, and, it would seem, not very blamable, that it should receive with thankfulness whatever either government, or liberally-disposed individuals might see fit to give, which would aid, directly or indirectly, in the progress of education. The college was not limited, in its original purpose, or its early practice, to the narrow sphere which the reviewer seems to think is the only one in which it should attempt to move. Preparatory education was not all that it was designed to give, nor all that it did give, from the earliest moment of its existence. The training of pastors for the churches was part of its original object, and the labors of its early presidents were largely bestowed on this professional education; and scarcely a donation was made to the college in which the preparation of youth for the ministry of the Gospel is not alluded to, or directly mentioned. The conversion of the Indians was one of the objects sought for in the devotion of so large a propor-

tion of the young men at Cambridge to the sacred profession. It had always been an object deeply seated in the hearts of our fathers, stern and cold as they are thought to have been, and one greatly in favor with sympathizing friends of theirs in England. It was an enterprise generously patronized by the most enlightened, as well as humane men, at successive periods, who thought the college a proper recipient of their bounty, and well able to look after its management. The Society for Propagating the Gospel in Foreign Parts, erected a building for the especial purpose of having the Indian youth educated at Cambridge, by the officers of the college. The Hon. Robert Boyle gave a considerable annuity for the sole purpose of employing two missionaries for the conversion of the Indians, the disbursing of which was entrusted to the college; and finally the Rev. Daniel Williams gave a still larger annuity for the same purpose. Some fragments and gleanings of this latter gift are all that remain, the payment of the annuities having been discontinued at our Revolution; and the reviewer can find nothing to say of this pleasant memorial of the real kindness of our fathers, this evidence how much their hearts, and the hearts of their wealthy friends "at home," had been touched by the saint-like labors of Eliot, and by the just sentiment of a heavy debt due from the white man to the red man, except that "it is now a draft upon their [the Corporation's] time and care, it encumbers their treasurer's books, and does not in any way promote the growth of liberal studies at Cambridge." He says he presumes "the Corporation would gladly resign this

trust fund to any person or institution who could legally take charge of it;" and without doubt he would think it better if it had never been accepted, as it is the first of the instances he mentions in which money was bequeathed to the college "for certain purposes that had little fellowship with its original design."

It appears that in this case the fellowship was close and intimate; and not only so, but that the money was bequeathed for one of the noblest purposes, and from the noblest motives, which could actuate a just and generous heart. He who does what he can to discharge the debt of one race of men to another, he who shows the power of generous sentiments by action, and thus does something to counterbalance the heavy load of selfishness and injustice, the conviction of which ought to press upon the conscience of every American who has read the story of the Indians, is not a man whose gifts are to be set aside, in any age, as an incumbrance and a burden; and what shame would have fallen upon our fathers, if they had so much as thought of declining to be the almoners of such a bounty; and what expression of disapprobation would be too strong, if the Corporation should now give up the care of so precious a memorial of the character of our predecessors, because "it is a draft upon their time and care, and encumbers their Treasurer's books." Perhaps once in twenty or thirty years some new project is started with regard to the distribution of the income, which may require a few hours consideration; and it probably takes a half an hour in a twelvemonth for the Treasurer to collect and pay over the proceeds,

and keep the account. When the last Indian shall have disappeared, and the appropriation of the fund to its original purpose shall have become impossible, the legislature will have the power and the right to say what shall be done with it; and though it will be difficult to point out any thing which has more fellowship with the original design of the college, yet no doubt something exceedingly useful and desirable may be effected by it, which shall "promote the growth of liberal studies at Cambridge."

Mrs. Winslow's donation, for the immediate benefit of the town of Tyngsborough, is another of those instances in which the reviewer can see little fellowship with the original design of the college; although it might, possibly, have occurred to him that it was not altogether unbecoming in those who were engaged in providing for the preparatory education of the young, to assist in the still more elementary instruction of others, who might thus be led to enter their own school; nor for those whose duty it is, and always has been, to send forth pastors and teachers, to feel an interest in the support of one of them who might go from their own halls. The reversion to the college, in case of a violation of any of the conditions of the donation, is not so remote a contingency as to add nothing to the value of the college property. Such have been the changes in the state of things in the town, since this donation was made, that it has already been suggested by some of those most interested, that it would be better to suffer the money to revert to the college; and it is certainly extremely probable that at no distant day this will be done. Such a contingency not

only justified the Corporation at the time in accepting the trust, but would have been a strong ground of complaint if they had refused. If "old Harvard is none the richer for these funds," the refusal to accept the charge of them would have made her much poorer, — poorer in that sympathy which she needs herself, and which she should, therefore, show to others; — poorer in those right feelings which are the best wealth of an institution, as well as of an individual, professing to have a character at all; and poorer in that extension of views with which the guardians of a permanent institution ought always to reach forward to the future.

These are admitted by the reviewer to be "extreme cases," and it may well be considered a fortunate, and even flattering, circumstance that so careful an investigator could point out nothing worse than these, in the long and curious list of very miscellaneous legacies and donations which have been received by the college during its term of two hundred years of corporate life.

But though these are the worst, they are far enough from being the only errors of management which have been exhibited in the history of the college, in the opinion of the reviewer. All the schools which in the course of time, and the progress of events, have been gathered around it, and placed under the general supervision of the same managers, with the aid of particular officers devoted to each, are greatly injurious, in his judgment. He says Harvard College "is now in a fair way of being smothered under a heap of other institutions, *which have as much to do with the original purpose for which it was founded as with cotton-spinning.*

It is not that the respective objects of these institutions are mean, unworthy, or of little account. Far from it; most of them are of that high and liberal character which challenges the admiration and support of every well-informed lover of his race, every well-wisher to the highest interests of mankind. But they absorb the time and energy of the governors of the college; they give it a deceptive appearance of wealth, when in truth they only make it poorer; they divert the attention and generosity of the community, which would otherwise be all turned towards the fostering of proper academic studies at Harvard; they borrow its money; they multiply inordinately its occasions for appealing to public munificence, so that the college appears like a horse-leech, whose cry is constantly, 'Give! Give!' they become formidable rivals to those exclusively intellectual pursuits, to that love of letters and sound scholarship, to that general and liberal culture, which should be the peculiar aim of a life at college; and though often seemingly successful at the outset, they subsequently become in many cases a dead weight and an incumbrance, injuring the good name of the college, and lessening its means of usefulness. Let them be confined to their proper place; let each be established on its own independent footing; let not Harvard College be expected to furnish all the machinery, all the management, all the funds, for the cultivation of every science, and for the promotion of every enterprise, be it of an intellectual, a philanthropic, or an industrial character."

This skilfully-constructed paragraph, which it almost takes away one's breath to read, substantially develops

the theory of the reviewer, respecting its true, and what he considers its original purpose; and shows the faults he thinks to have been committed, as well by those who have endowed the college, as by those who have consented that it should be so endowed. Its admissions are important, and its rhetorical embellishments are such, that in order not to be misled by them, one must have either remarkable coolness, or a little antagonistic warmth. If all the inferences of the reviewer were just, it does not seem that any monstrous evil would have been produced; but as the greater part of the whole statement is a mere *dictum* of the writer, it would seem that a general negation was a sufficient answer. To most of the assertions of seeming weight in those sentences, it would be perfectly safe to say to the writer in reply, "you are mistaken; it is not so;" — while others might be partly admitted, as containing a portion of truth, but no manner of harm, even if they were wholly true. But it is not by specific contradictions of particular assertions that the facts in the case can best be explained, and the reasons for the general course of the college can be exhibited. This must be effected by taking a little wider view than the reviewer has done, both of the original purpose of the college, and of those circumstances out of which its present condition has gradually, honorably, and wisely been produced.

The establishment of the college was proposed for the twofold purpose of keeping up an acquaintance in the children with all that knowledge which so many well-educated men brought with them from England, and of perpetuating a supply of learned ministers for

the pulpits of New England. The often-repeated declarations of the founders and early benefactors of the college prove this design so unequivocally, and it is so universally understood and admitted, that it is a cause of no small surprise to see so able a scholar as the reviewer insisting that "Harvard College was instituted for the promotion of *liberal* studies, and for nearly two centuries it was exclusively (!) devoted to this end." The professional tendency and character of the earliest studies in the college is manifest from the records, imperfect as they are, of the prescribed course, in which the acquisition of Hebrew, translation from Hebrew into Greek, lectures on the Scriptures by the President, &c., are prominent; while the result is shown by the fact that, for a long period, the proportion of the graduates who devoted themselves in after life to the ministry of the Gospel was not less than one-third of the whole number. It is scarcely probable that they received the whole of their theological education during the four years of their collegiate life; but it is certain that the foundation of it was carefully laid, and that it was intended to be laid, by "the Court" of teaching and ruling elders who made the first donation, by the *Reverend* John Harvard, who gave the first legacy to the infant seminary, and by the very numerous contributors of sums for the aid of those who were quaintly called "poor scholars," especially of those who devoted themselves to the ministry of the Gospel. So far from the fact is the assertion that for nearly two centuries Harvard College was exclusively devoted to the promotion of what may properly be called liberal studies, that it would be much nearer the truth

to call it an almost professional school at the outset, and that it has been more and more devoted to liberal studies, as it has advanced in years and discretion.

The two mottoes of the college seal, though objectionable if considered as indicating the whole design of the institution, yet show distinctly and strongly the tendency of the age to give it a professional character. "In Christi Gloriam" was the first; and the other, which is now in use, is "Christo et Ecclesiæ." It is to be regretted that such strictly-professional mottoes should have been adopted, and retained so long; but the inference from this single fact would be strong, that the college was not exclusively devoted to "that general and liberal culture," which the reviewer says, "should be the peculiar aim of a life at college."

In less than a century from the establishment of the college, it was endowed with a theological professorship by a generous and truly liberal man, who belonged to the denomination of Baptists. This professorship has been a sore subject to the college, to its friends and its foes, from the hour it was first given till now. It has scarcely ever ceased to be the subject, or the occasion, of difficulty and complaint. But what was the objection to it which was made when Hollis proposed to found it? Was it that it could not be well mingled with those liberal studies, those "*litteræ humaniores*" to which the college had been thus far "exclusively devoted?" Was it that the college was "originally designed" for the cultivation of "classical learning, old-fashioned scholarship, literary pursuits, and the moral sciences," for the extension of which the reviewer thinks that "colleges and universities were instituted?"

Not a whisper of all this. Our fathers did not so understand the "original purpose" of the college, and they would have received such a foundation with unbounded gratitude from a benefactor, who, as Dr. Colman expressed it, "had been one in opinion and practice" with them. But the difficulty was, Hollis was a Baptist, and wished that a candidate might not be excluded from his chair merely because he was a Baptist. There was a horror of Baptists even when they made presents of professorships; and Judge Sewall refused to take "any bribe to give his sentence in disparagement of infant baptism." There have been other contests about this professorship in after times, but never till now was it made matter of reproach to the college that it accepted a donation for a professional purpose. A few years later the foundation of a professorship of mathematics was laid by the same generous spirit; and it is an apt illustration of the course which was taken by the college, its patrons as well as its governors, that provision should be made *first* for the supply of the churches with able teachers, and *afterwards* for the cultivation of "those exclusively intellectual pursuits," which should be the peculiar aim of a life at college."

Five years after the foundation of a professorship of mathematics, two donations were made to the college for the purpose of establishing a professorship of law; and the corporation of that day, little imagining that they were beginning to attend to things "which had as much to do with the original purpose of the college as with cotton-spinning," accepted them; and though one was lost early, the other continues to this day, and now forms a part of one of those institutions which "absorb

the time and energy of the governors of the college." Forty years later a third profession was introduced into the college, by a donation for the purpose of giving medical instruction, and our fathers, still blind to the future, thought they were accepting a real benefaction, and were grateful for it, and for the additions subsequently made to it, by which it was rendered more available.

All these donations, for the three subjects of professional, as distinguished from academical education, generous when considered in regard to the sources whence they emanated, were but small for the objects to be attained. They were insufficient for the maintenance of a professor in either department, and though a professor of theology was immediately appointed, his salary was eked out by fees from the students, and by contributions from the legislature; and it was long before any one was appointed to give either medical or legal instruction, to those in any manner connected with the college.

Suppose, now, for a moment, if it be possible, that our ancestors had taken the view of things presented by the writer in the North American, and that they had said to Hollis, and Royall, and Hersey, successively, "We will not receive your donations, for though they are for objects of that high and liberal character which challenges the admiration and support of every well-informed lover of his race, and every well-wisher to the highest interests of mankind, yet they will absorb our time and energy, give the college a deceptive appearance of wealth, when in truth they will only make it poorer, divert the attention and generosity of the com-

munity from fostering proper academic studies; and become formidable rivals to exclusively intellectual pursuits, and that love of letters, and general and liberal culture, which should be the peculiar aim of a college life. No, if you want professional schools, let each be established on its own independent footing; let not Harvard College be expected to furnish all the machinery, all the management, and all the funds for the cultivation of every science, and the promotion of every enterprise."

It is very difficult to carry one's imagination so far as to think of men having charge of an institution for education in this community, eager as it always has been to seize every, the smallest, opportunity for improvement, pursuing such a course as this. It is impossible to believe, or to imagine, that such a course would have been sanctioned, or tolerated for a moment by the public. The members of the Corporation who should at any period have adopted it, would, probably, have been very speedily, unceremoniously, and certainly very justly, removed from seats they were incompetent to fill. Yet it is precisely the course which, if he would be consistent, the reviewer must have recommended. If institutions for professional education ought not to be gathered around the college, still less ought professional instruction to be given in the four short years which are devoted to the "*litteræ humaniores*." It would then, of course, interfere in a much greater degree with the proper preparatory studies of undergraduates; and if our predecessors committed any oversight in the matter, it may have been that they did not discriminate with sufficient distinctness, when

and how this professional education should be given. But even this is not lightly to be brought against them. They may have supposed that it would be easy to arrange matters with regard to the other professions, in the same manner as had always been done in theology; and that resident graduates would pursue, under the direction of the professors, the studies on the rudiments of which they had entered while in college. They certainly ought not to be blamed for not having foreseen the changes which have taken place in the circumstances of the country so fast that we, who have seen them, can hardly believe them. It is no matter of reproach to them that they did not anticipate the time when many, besides graduates of colleges, would pursue professional studies, and, notwithstanding the deficiency of their early education, would make themselves respectable and respected in their professional career throughout the country. Nor should it be a matter of reproach to those governors of the college who, in a later day, were enabled, by the assistance and countenance of its best and wisest friends, to detach, in some degree, those professorships which were not useful to under-graduates, but which were more particularly adapted to professional education, and thus to leave the course of studies which truly belong to an academic department, freed from the embarrassment of inappropriate labor, and in possession of the entire period of four years, short enough at the best, to be devoted to its proper pursuit.

At successive periods, by the strenuous exertions, not merely of the Corporation, but of bountiful benefactors, of professors and lecturers in the college, and

in short of all its friends, this separation into schools and departments has been effected; — and the additional professorships founded in each by alumni, or by uneducated, but true, friends of education, have put the seal of general approbation upon the movement. In one case the professors urged upon the Corporation the establishment of a medical school, and after long and anxious consideration, the thing was done; and it would be fair and modest to presume, even if we did not know, that it was done for sufficient reasons by the wise and good men who took part in the transaction; and it has certainly been attended by the most useful and successful results, which could have been attained in no other way. In another case, a theological school was established by those who agreed in opinion with the governors and professors of the college, and it was thought judicious, by all parties, that the means of theological instruction at Cambridge, comprising the library, two professorships, and one lectureship, should be combined with other resources, and formed into a school, without withdrawing any thing from the elementary instruction of undergraduates which the professors had heretofore given. If such a school were wanted at all, (and who should decide this against the judgment of the numerous contributors, who probably knew the wants of a community of which they formed so considerable a part,) would it have been wise in them to pass by, and overlook, the advantages actually existing at Cambridge, and doing much less good than they might do, merely for want of opportunity, and attempt to build up an institution elsewhere, and repeat the same necessary

foundations at new cost, while those at Cambridge would be lying unused? Or would it have been reasonable for the Corporation to have refused permission to their professors to exercise their talents, and communicate their learning, in a new school, under their own control, where they could be made far more useful than they could possibly be to undergraduates? Certainly not for the reason given by the reviewer, that the new institution would absorb their time and labor, whatever other grounds may exist, in the minds of some persons, for doubt upon the expediency of the establishment.

In a third case a professorship was founded and given to the college, by an alumnus not altogether undistinguished for ability and judgment, for the express purpose of securing the services of one who was enough, of himself, to teach a whole school; a man whose renown was coextensive with civilization, and the declining of whose services for any such reasons as are suggested by the reviewer, would have been the signal for such a shout of ridicule from the whole cultivated and educated world, as no "seven mortal men" had ever before excited, or could support for a moment. Imagine the Corporation saying to Mr. Dane, "No, sir, we cannot accept your donation, nor Judge Story's services. Colleges and universities were instituted more particularly for the prosecution of those 'liberal studies,' as they are termed, of which law forms no part. If we maintain a law school at Cambridge, our time and labor will be absorbed by it; it will give us a deceptive appearance of wealth; it will become a formidable rival of that school of the prophets which has

heretofore monopolized our care and attention, and we must beg you to establish your proposed school on an independent footing. Harvard College must not be expected to furnish all the machinery, all the management, all the funds, for the cultivation of every science, and for the promotion of every enterprise." It may safely be said that, however great have been their errors, the Corporation never committed quite so absurd a blunder as this would have been.

The case of the Scientific School is, if that be possible, still clearer. There was a general state of effervescence and impatience in the public mind, upon the neglect of science in this country, and particularly in this part of it, where the need of it was, perhaps, most strongly felt. The reading man in his closet, the merchant on the exchange, the mariner on the ocean, the manufacturer pondering upon new patterns, the artisan at work upon unyielding substances, and guided by mysterious mechanical powers, all sympathized with the professor in his chair, in the wish that a school might be established, where chemistry, physics, engineering, mechanics, and astronomy, might be thoroughly and practically taught. By a spontaneous and irresistible impulse of the community,* a large sum was raised for the truly noble purpose of cultivating astronomical science; and by the unhesitating decision of every one interested in the matter, Cambridge was the place for the purpose, and the Corporation was the body to take charge

* The reviewer says a considerable sum "was subscribed, *after urgent solicitation*, by the merchant princes of Boston and its vicinity." On the other hand, if an experienced solicitor may be allowed to testify, never was less urgency requisite. The whole sum asked for was obtained, in two or three weeks, with a facility which showed the entire preparation of men's minds for the work.

of the undertaking. No questions were asked about it; no other place or management ever occurred to anybody; and it would be difficult now to say where the apparatus could be more appropriately bestowed. Several of the professors, whose time was not wholly engrossed by their collegiate duties, had long been desirous of seeing a school of science established; and the Corporation, hearing the loud call from every quarter, and sensible of its singular adaptation to the wants of the time and the country, were willing to undertake their share of the enterprise, which was at once of "an intellectual, a philanthropic, and an industrial character," and which did not seem to them at all unsuited, on that account, to their position, or to the purpose for which the college was originally established. The moment the project was suggested to the Hon. Abbott Lawrence, his judgment approved it, his knowledge of the state of the country led him to a perception of its almost immeasurable utility, and his generosity of spirit rendered its establishment certain. This school, at least, may be justly characterized, in the language of the reviewer, as one "which challenges the admiration and support of every well-informed lover of his race, every well-wisher to the highest interests of mankind." If he quarrel with it because it is connected with the college, and placed under the care of the Corporation, he must quarrel with the professors who so strongly recommended action in the premises to the Corporation, and considered it a duty of the college to take the lead in establishing it; — with that large portion of the public who procured scientific instruments, and required them to be placed at Cambridge; — with

the profound scholars and enlightened statesmen, not intimately connected with the college, who coöperated in its foundation, and rejoiced in its prospects; — with the singularly munificent benefactors, living and dead, who have testified to their sense of its importance, and the propriety of its position, by giving to the college the means of its support. When he has discomfited all these allies, it will be time for the Corporation to attempt to justify themselves for having undertaken the care of an institution "*which has as much to do with the original purpose for which the college was founded as with cotton-spinning.*" They are not so coldly insensible to the spirit of the age, and of the community in which they live, as to reject the offer of the means of intellectual progress, merely because it is by another path than that of "classical learning, old-fashioned scholarship, and literary pursuits." Aware of the benefit of even the reflected light of science to the institution to which they are ardently attached, they could never refuse a gift which would add lustre to its name, give a new stimulus and new knowledge to its students, and penetrate the whole atmosphere of the college with the rising brightness of another dawn.

It thus appears, from recurring to a few well-known facts in the history of the college, that these obnoxious institutions have been gathered around it in such a manner that the annexation of not one of them could have been prevented; even if the reviewer himself could have lifted up his warning voice a century and a half ago, and advised the Corporation to beware of encumbering themselves with donations for the conversion of Indians, to hold back from the treacherous gifts

of Baptists, and lawyers, and doctors, and even from those of a growing and improving public. It is nobody's fault that they are there; but it has generally been considered heretofore that it was a great merit of somebody; and it remains to be seen whether they have been productive of the various evils which the reviewer has ascribed to them.

"They absorb the time and energy of the governors of the college," he exclaims. If by absorb, he means that they take up all the time of the governors which is given to the entire establishment, there is no need of contradicting such an extravagant assertion. If the more moderate accusation is meant that they consume the larger part of that time, or even the still more plausible charge that an undue proportion of it is given to these, to the neglect or injury of any of the interests of the college proper, the assertion is equally, though not so obviously, groundless. It might be reasonably conjectured, without positive knowledge, that a branch of the institution, which, like the academic department, comprises half the students and instructers, and more than half the funds, would share in due proportion, at least, in the attention of those who are appointed to superintend the interests of each. But, in fact, such is the nature of that department, the pupils require so much more care, the branches of instruction differ from each other so much, the arrangements of study, discipline and accommodation, are so intricate, there is so much greater responsibility to parents and friends, and the public generally take so much more interest in the progress and well-being of those blooming youth than of maturer persons, that it would be perfectly safe

to say that nine-tenths of all the time given to the college by the Corporation are *absorbed* by that department. The other branches of the institution, from the riper age of the pupils, and the peculiar character of the instruction given to them, are much better able to take care of themselves; the appointments to office in them, one great absorbent of the time of the Corporation, are far less frequent; and the feeling of that body towards the part of the institution which requires and receives so much the largest proportion of their thoughts, is necessarily one of stronger interest. If any danger were to occur to it, threatening its extinction or serious decay, the most strenuous efforts of the Corporation would be required by the public, and nothing short of a truly *absorbing* devotion of their time and labor would satisfy either themselves or the community. But, with regard to the other departments, though their responsibility may be as immediate, their interest can scarcely be so deep as in the original, the primary school. The mere fact that the management of the advanced schools is necessarily more given up to the faculty of each than that of the academic department can be, accounts for a different feeling with respect to them; and no reviewer, nor any one else, need apprehend a diminution of the intense filial regard which is and must be felt for his Alma Mater, by every member of the Corporation, whether he passed through one of the professional schools or not. The only danger which can arise on this point, is from a source to which the reviewer does not allude, namely: placing in the Corporation those who are not alumni.

But let us proceed with the list of evils arising from

the excrescences which have gathered around the college. "They give it a deceptive appearance of wealth, when in truth they only make it poorer." If a man be so careless as to look only at the schedule of property, amounting to some $750,000, and suppose that all of it belongs to the academic department, one would think it hardly fair to consider his dulness the fault of the professional schools; and if he were to mistake the sum above-named for wealth, even if it did all belong to the academic department, he must be one whom it would be more difficult than useful to enlighten. But the reviewer has mistaken the cause of the deceptive appearance of wealth in the college. It is not because other institutions have been connected with it that it is comparatively poor, but because the professorships which have been established *in it*, have been built upon very insufficient foundations; and each one has required an increased assessment on the students, in order to give a salary for which the appropriated funds were inadequate. In former times, the legislature used to do this, from the resources of the state, but in later days the Corporation have been obliged to raise the tax on the students, to comply with the conditions of a donation. This is indeed giving "a deceptive appearance of wealth," — to receive a donation, appoint a professor, and then tax the students more heavily. If the Corporation were to adopt a rule to the effect that they would never again appoint a professor till the funds provided were sufficient for his support, they would take the first step to correct this evil, which has grown up entirely within the academic department, and has nothing whatever to do with the multiplication of exterior schools.

"They divert the attention and generosity of the community, which would otherwise all be turned towards the fostering of proper academic studies at Harvard." It may not be impertinent to ask how the reviewer knows that. It is by no means a self-evident proposition. It does not follow that, because a man has founded a professorship in one of the advanced schools, he would have given his money to the college, for some academic purpose, if the professional institution had not caught his eye. Nathan Dane founded a professorship in the law school, and selected the first incumbent. The choice of Judge Story was a great part of his motive for doing the thing at all; and there is not the slightest ground for belief that he would have given any sum to the college, for any purpose but precisely that which he selected. The more natural inference, therefore, from what has been done for the professional schools, is that they have afforded an opportunity to meet the particular views and wishes of different individuals; and that all which has been bestowed on them is just so much gained for the general cause of education among us. Look, too, at what has been done for the academic department within the last thirty years, which the reviewer marks as the period of peculiar degeneracy. Is there any evidence that the generosity of the community has been diverted? Quite the reverse. Amid a large amount of donations to the professional schools, the following have been received for the older branch of the college. Three professorships have been founded, the Perkins, the Fisher, and the McLean; the library has been more than doubled,

and the department of books on America, in which it is now far richer than any other library in this country, has been created; the collection of minerals has been vastly increased; the hall for the library has been erected; several sums have been given for the personal aid of the students, and fifty thousand dollars have been given for the education of youth of remarkable talent. If this be neglect, what would be encouragement? No, it is delightful to witness this spirit of growth on every side; to observe that while new opportunities for progress are developed, the earliest and most important are not forgotten; and it gives the very best promise of a sure and steady advance to see that the chain of communication is kept up by the public, from the primary school for the child of three years old, to the professional school which sends forth the young man prepared for the labors and struggles of life.

But the reviewer goes on, "they borrow its money," — and if they repay it again with interest, what better investment can there be for the college? The uses of that money are "twice blest." It helps both those who lend, and those who pay. It enriches two fields of instruction at once, and does, at least, twice as much good as any other money the college possesses. But, of course, there is danger that a professional school, like any other debtor, may not repay what it has borrowed; and it may be useful to inquire what is the probability that the money advanced by the college will not be restored, in either of the two instances, in which only an advance has been made. About $14,000 were lent to the medical department, two years ago, to complete the erection of the new

building, for which the professors gave a guarantee that the interest should be regularly paid, and a portion of the principal, small at first, but afterwards to be increased, should be returned annually. As every one of the professors of that department has signed the guarantee, and the Corporation, who advanced the money, has the power of nomination of those officers, and may make the signing of the bond a condition of appointment, it would seem that this investment was tolerably safe.

The only other case * in which college funds have been used for aiding any thing but the academical department, is that of the observatory, as a part of the Scientific School. It was impossible that advances should be so well secured here, as in the other instance; but the action of the Corporation has been by no means so reckless as the reviewer seems to think. No one among us imagined, when the project of an observatory was first started, that it would prove nearly so expensive as it has done. Sufficient allowance was not made for the cost of the instruments, by several thousand dollars, though a much closer estimate might have been made of them than was possible of any other part of the establishment. But the cost of some of the piers, of the dome, of the observer's chair, of the stones of peculiar form required to support the instruments upon the piers, and various indispensable parts of the nice apparatus of an observatory, could not be estimated at all. Whatever could be contracted for, viz.: the house, the tower, and the great pier, upon

* The $1600 to the debit of the Scientific School in the Treasurer's last statement are provided for.

estimates made by competent mechanics, were built within such reasonable limits as had been anticipated; and which, though considerably exceeding the amount subscribed, were not so extended as to be a sufficient objection to proceeding. In the entire absence of all experience of the cost of such structures in this part of the country, both among scientific men and mechanics, it cannot be matter of surprise, or of blame, that such new work should be expensive; or that if the thing were to be done over again, it could be done for a smaller sum. The Corporation were not the only one of the many parties concerned who were ignorant of the expense of an observatory; but they were the only persons who knew what resources they had to rely upon, to replace such advances as might be made. As these have never been stated, except in the Treasurer's reports, of which few persons take any notice, it may be well to repeat what hopes the Corporation indulge of being able to repay to the general fund the money which is, for a time, taken from it. The expectation of a profit from the sale of the land, which was purchased about ten years ago for the purposes of an observatory, has been so far realized that the entire cost, with interest, has been obtained from sales already made; and after reserving an ample quantity for the institution, there are 123,500 feet, or nearly three acres remaining, the proceeds of every foot of which should go to diminish the balance against the observatory account. Any one acquainted with the present prices of land in the vicinity of Boston, and with the peculiar advantages of that situation, will be aware

that no inconsiderable sum must be obtained, by careful management of this large property.

The present balance against the observatory includes the cost of a dwelling-house, without regard to the fact that another house, of at least equal value, was restored, by the erection of this, to the use of the college. Eight thousand dollars may, therefore, be equitably deducted from the account, and putting the two things together, the formidable balance may be reduced to about one-third of its present amount. It is not altogether improbable that the remainder may be wiped off by a liberality similar to that which began the undertaking. Indeed, if the institution be so managed as to continue the favorable regard the public now feel for it, it may be considered a certainty that some generous individual, or individuals, will arise, who will relieve the college from any fear of future reproach on that account. That it has been in a condition to acquire such favor among ourselves, and so high a reputation already, elsewhere, is owing to the free expenditure which has placed it in working order, and has enabled the Messrs. Bond to exert their talents and skill in their appropriate and noble work. The expenditure, therefore, was not less necessary, as a financial measure, than it was to promote the progress of science; and surely some effort is due from the college to foster undertakings which "challenge the admiration and support of every well-informed lover of his race, every well-wisher to the highest interests of mankind," when the whole community around them is actively interested, and urging them to do their part in the project.

The next topic with the reviewer is that "they multiply inordinately its occasions for appealing to public munificence." As no especial injury seems likely to befall the college, if this be so, it may be safely left to the consideration of the judicious. If the reviewer imagines that the public would be less wearied by the applications of half a dozen various institutions, than by those of one, in which they had long been accustomed to repose confidence, for different objects, he has less experience than some of his neighbors, in the practice of begging of the public, and must have had less opportunity of observing its effects.

Another objection of the reviewer is that "they [the other institutions] become formidable rivals to those exclusively intellectual pursuits, to that love of letters and sound scholarship, to that general and liberal culture, which should be the peculiar aim of a life at college." The rivalry spoken of may be very likely to exist, but it is not precisely in the place, nor in the manner, implied by the reviewer. The professional and scientific schools neither are, nor can they ever become, rivals of the academic department, in any direct way. They are for entirely different purposes, and pursue their objects in methods each different from the other, and from that of the college. They are for different classes of students, of very diverse ages and character; and they have instructers who, from the inherent incongruity in their subjects of teaching, can never interfere with those of the college. Where then is the rivalry? It may be that a law school, or a scientific school, may rival the college in the estimate of the public of the relative importance of

the studies pursued, or of the merits and rank of those who have been educated in them. And a rivalry of this sort, if it arise, will do no manner of harm, but, on the contrary, much good to each institution, to its students, and its professors. Those who feel a particular interest in either of these elevated and necessary means of education, will have an opportunity of contributing to it according to their means; and there is no fear that either will languish, comparatively, in this community; while the different opinions entertained of the relative importance of each, will tend to correct the over-estimate which every man is apt to make of his own pursuit. None will be tempted to say to the other, "I have no need of thee," nor will any man again compare an institution for any branch of education, with one for cotton-spinning.

Finally the reviewer says these institutions, "though often seemingly successful at the outset, subsequently become in many cases a dead weight and an encumbrance, injuring the good name of the college, and lessening its means of usefulness."

One would think from the terms "often" and "in many cases," that there might be some scores of institutions, thus dragging the college down to ignominy and disaster. In fact, there are just four schools which are under the management of the Corporation, beside what is called now the academic department, and which, for substance, was the original college; and these four schools have otherwise no more to do with each other, or the college, than if they were in different counties, and cannot, therefore, injure its good name, or lessen its usefulness. Two of them are remarkably successful,

and reflect honor upon the college and upon all connected with them, by their well-earned reputation; the third succeeds as well as the limited demand for its instruction probably permits, and has certainly not been wanting in reputation for the ability and learning of its professors; while the fourth has just begun to exist, and nothing ought to be said of it, but that it starts under the most favorable auspices imaginable, and does not threaten, as yet, to be "a dead weight," upon either the reputation or the funds of the college.

A fifth school, that for Agriculture, founded by the late Mr. Bussey, is, at a future day, to be under the same management; and as this is to be in another county, and will give no trouble to any one but the Corporation, it seems unnecessary to prophecy evil of the institution, merely because, a generation or two hence, it is to be under the general control of that body. Let us at least hope that the Corporation of the day will find some means of making it useful to the public, and not injurious to the college.

The reviewer remarks, — "How much of the time, care and effort, which the President and the Corporation would otherwise have given to the undergraduate department, have been absorbed during the last ten years by the Observatory, we have no means of estimating. They are but seven mortal men, after all; most of them are deeply engaged in very laborious professions, and it is to be presumed that they find the management of the college no sinecure." Of course it is no sinecure; but neither is it any such burden that men of active minds and willing hearts, cannot find opportunity to attend faithfully and sufficiently to all

its duties, without sacrificing the interests of one department to those of another; and the insinuation that such may be the case, however cautiously expressed, is quite unworthy of the journal in which it appears, and of the character of the gentlemen referred to.

The amount of the burden upon the five Fellows, as they are called in the charter of the college, may be, in some degree, estimated by the number of meetings held in a year, which, for the five years from 1843 to 1847 inclusive, has averaged twenty-four and one-fifth. It is not often that the business before the Corporation requires the attention or time of the Fellows in the intervals between the meetings, and the amount required of them is therefore from four to five hours a month. The President and the Treasurer must give more; the former, of course, devotes almost his whole time, and the Treasurer must appropriate a considerable proportion both of time and thought, to the concerns of the college. But they are both salaried officers; at least, one has been so till within about twenty years, and must probably again receive a compensation hereafter, and the other has always been so; and there is no reason why they should not, on the contrary, it is quite necessary that they should give as much time and thought as possible to so valuable an institution.

The increase in the labors of the board by the establishment of the distinct schools, may be judged of, with some degree of fairness, by the increase in the frequency of their meetings. Thirty years ago, when there was no professional school connected with the college, but the Medical, and that was only beginning to be important, the average number of meetings in

five years was twenty-two; showing an increase of just one-tenth in the amount of business caused by the annexation of the Theological, Law, and Scientific Schools, and the great enlargement of the Medical department. It is to be hoped that "seven mortal men" may long continue to be found, who will be able and willing conscientiously and fully to attend to the wants and interests of all the departments, in the general way that the Corporation are called upon to provide for them.

With a passing compliment to the founder of a whole department of the Scientific School, the reviewer has yet nothing but fault to find with it. He acknowledges "it is an experiment, its objects and arrangements making it really the first of its kind in the world," yet he says it borrows its professors from other departments, makes the senior class pay for lectures they formerly attended gratis, and has not yet furnished the only professor whose department is new at the college, that of engineering. He comes to the reluctant conclusion, in view of these facts, "that the Scientific School as yet is a tremendous burden upon the college, and yields to it no advantage or profit whatsoever." Upon what part of the college can it be a burden? *As yet*, clearly upon the Corporation only; and if they are willing to submit to it, and have even interested themselves to procure its establishment, this is a very superfluous lamentation over their trouble. As for the borrowing of the professors of the academic department, it will be time enough to complain of that, when the undergraduates are defrauded of the due proportion of attention from them. The lectures of the Rumford Professor, formerly delivered to the senior

class, were not of importance enough to require serious mention in such a connection. Those lectures, honorable to the professors, as they were, and valuable in other spheres, as they would have been, were not particularly adapted to the improvement of undergraduates; and the senior class has, in fact, suffered no loss, by the transfer of the professor to the Scientific School.

In another part of the article there is a complaint somewhat inconsistent with this; and if it were just, the reviewer himself would be compelled to acknowledge that the removal of the Rumford scientific course to another department was not only on the whole advisable, but a positive and great gain. "So many of the natural sciences have been crowded and jammed into the course of instruction, that the students are wearied and distracted by the number of the heterogeneous tasks imposed upon them, and learn nothing thoroughly. The old-fashioned studies have not been given up altogether; but they have been pushed into a corner, and the student has his option with regard to many (!) of them during a large part of his college course, whether he will pursue them or not. The professors undertake to instruct *in omni scibile* (? *i*); the students get a smattering of every thing and a knowledge of nothing." Alas, poor students! What a miserable place of education is Harvard College! The governors have established so many schools, that your faculties are confused by being obliged to attend upon them all in your four short years, and at the same time you are cheated of your rights, by having your professors, those who were appointed to instruct you, borrowed by the Scientific School. The reviewer seems to imagine all this to be

the case, as it is difficult to account for those sentences upon any other idea. But the truth is, the subjects of study in the academic department remain the same as they were thirty years ago, except that a little more time is given to Botany, Physiology, and Modern Languages, and some attention is paid in the senior year, which, thirty years ago, was not sufficiently occupied, to Political Economy and the Constitution of the United States. Are these moderate additions sufficient to thrust the proper academic studies into a corner, and subject the professors to the charge of attempting to teach every thing, and the students to the obloquy of learning nothing? So far is this from being true, that it is known to every friend of the college, that partly in consequence of the increased requisitions for admission, and partly in consequence of the greater vigor with which the studies are pursued, a better knowledge of Greek, Latin, and Mathematics, is obtained in the first two years than was acquired, thirty years ago, in the whole four; and after this is done, the students are allowed to pursue them still farther, if they choose to do so. If students were permitted to determine for themselves whether they would attend at all to Latin, Greek, and Mathematics, or not, there might be some ground of complaint on the subject; but really, when they obtain what has heretofore been considered a sufficient acquaintance with such things, earlier and more thoroughly than formerly, it seems hard that both officers and students should be exposed to such extremely reproachful language from a professed friend. Every well-informed friend of the college knows that the attainments of the undergraduates, in

all appropriate academic studies, are far higher and more thorough now than they were thirty years ago, though they were not contemptible then, — that the officers of instruction were never more competent, faithful and zealous, and never more deserving of a word of encouragement, rather than of rebuke.

The reviewer shows a certain indistinctness of perception, or is guilty of carelessness in the use of language, in another sentence in this connection. "A young man with no previous training but a common English education, may now *enter the college*, as a "special student in chemistry." Indeed he can do no such thing. He may enter the scientific school; but that is a very different thing from entering the college, and there is no danger of their being confounded together by most people. The distinction is generally pretty clearly perceived. "The question is," adds the reviewer, "whether a college or university is just the place where facilities ought to be offered for its attainment." A college, for the preparatory education of the young, is clearly not a proper place for the thorough study of chemistry; and therefore the governors of the college have been anxious to provide a separate school, where, in compliance with the public demand, proper facilities for it might be afforded. That a university is not elsewhere deemed an inappropriate place for such instruction, is evinced by the fact that the London University provides for exactly such a department.

The reviewer has made two statements among others, in figures, which, though not so important as the subjects already discussed, yet require correction; both because many persons will catch up charges against

the college, in the department of finance, who will care nothing about the rest, and because the reviewer himself requires and expects accuracy even in estimates, and points out the difference between the estimate of the cost of Gore Hall, and its ultimate cost. He says that in consequence of "its size and *grandiose* construction, $750 have to be annually expended for the fuel that it requires." It so happens that in the last annual statement of the Treasurer, such a sum as that, namely, $752·72 is charged to the Library for fuel. If he had taken the trouble to look back for a few years, however, he would have found it much less; and the average of the last four years, certainly a nearer approach to the true *annual* charge, than that of a single year, is $397·13, or not much more than half of the sum he stated. Would it be just to say of the reviewer's statements, as he says in relation to the college estimates of Gore Hall, *ex uno disce omnia?* Again, in speaking of the expenses of the college, he says that in 1835, the "general expenses," not including salaries, were but $4,843; last year they amounted to $7,374. The sum of $4,843·34 is the amount called expenses by the Treasurer of that year, but on the next page of the account (page 12) are five items, all of which would now be included in the expense account, and would make it nearly six hundred dollars more, and another on page 8, which would add four hundred and seventy dollars more. But it is not by the expenditure of a single year that such items can be properly understood. If the average of the expense account of the years 1830 – 1 – 2 be compared with the average of 1845 – 6 – 7, it will be found that the difference is but

about one-half of that which seems to exist between 1835 and 1847. Again, the reviewer has nearly doubled the amount which he should have stated. Just inferences cannot be drawn from exaggerated premises. The expense account has not always been made up in the same manner, but the two accounts of repairs and expenses now include the same items that were charged upon both in 1835; and the sum of them in that year was $10,657·39, and in 1848, $10,797·36. The average of the two accounts for 1830 – 1 – 2, was $10,687·69, and for the years 1846 – 7 – 8, it was $11,427·80, showing an increase of $740·11, which will hardly be considered as a very extravagant increase in sixteen years.

The reviewer mentions the circumstance that the number of students has not increased in the last thirty years, as one of those facts "significant and unwelcome to the friends of the college; .... but none the less *facts*." Now, of what is this fact significant? One almost inevitably infers, notwithstanding his acknowledgment that "these facts may all be accounted for without imputing blame to any one," from the very *significant* way in which he enumerates them, that in his judgment they are not only facts, but faults; and that if the college had been rightly managed, they would not have existed. But of what is this particular fact, that the number of undergraduates has not increased, significant? The reviewer himself tells us, a page or two farther on, that "the *sole reason* why they [the halls of the college] are not thus crowded is the great expense of living as a student at Cambridge. For vastly the larger number of the youth of Massachusetts, the effect

of this high cost is just the same as if the institution were a thousand miles off. There the college is, — an admirable institution, and an education within its walls is very desirable; but they are not able to take so long a journey." Is it possible? Can this last sentence have been written by the same pen which traced the declaration before quoted, that "the students are wearied and distracted by the number of the heterogeneous tasks imposed upon them, and learn nothing thoroughly. The old-fashioned studies have not been given up altogether, but they have been pushed into a corner. . . . . The professors undertake to instruct in *omni scibile;* the students get a smattering of every thing and a knowledge of nothing?" It will require all the ingenuity of the reviewer to show these assertions to be consistent with each other; and it may be fairly asked, to which he will adhere. It has been the object of this letter to show on which side is the truth — to show that the students have not been so ill-treated and unsuccessful, that the faculty have not been so unwise, that the governors of the college, the Corporation and Overseers, have not so mismanaged the institution through long years, and many generations, as the reviewer represents; that he is entirely mistaken in some of the assertions which he considers assertions of facts, and that he brings forward other statements very much in the form and semblance of charges and accusations, at least, if he do not mean them for such, when in truth, the things of which he complains are among the deeds and events most honorable to the college in every way; to the forecast and liberality of its

patrons, the assiduity and unsparing efforts of its instructers, and the care of its supervisors to adapt it, as far as possible, to the wants of their time. He has undoubtedly told the truth, and the whole truth necessary to explain the fact, in the assertion that the *sole reason* why Harvard College is not more frequented, is the great expense of living there as a student. If he had contented himself with showing this, and with advocating the plan for a remedy of the evil which he has ably discussed in the last pages of his article, the college would have had substantial reason to be grateful to him for his valuable aid. But he has set in array a series of statements, which, as he himself says, "give a rude shock to our feeling of affectionate admiration for our *Alma Mater;*" and he has done it without any prospect of being useful; for if they be faults or errors, they are irremediable; and as they are not likely to be repeated, — as there are probably no more "other institutions" to be connected with Harvard College, they can serve no purpose as a warning to anybody. He has made assertions which are injurious, and which have now been shown to be unfounded, especially those with respect to the faculty and the students; and though these are inconsistent with other assertions in the same article, yet there can be little doubt that they will leave their sting behind, and that ancient prejudices will be stimulated and embittered by them, and new ones created where none existed before.

You, Mr. President, know whether you have been associated, for many years, with indiscreet Professors, and unimproving pupils, or not; and I trust your

future association with the Corporation and Overseers will enable you to see that they have not, either by design, by carelessness, or by incapacity, smothered Harvard College "under a heap of other institutions, which have as much to do with the original purpose for which it was founded as with cotton-spinning." You will be in a position, yourself, to do much, in case of danger, to prevent the college hereafter from "suffering the fate of the Roman maiden, Tarpeia, and being crushed by the weight of the ornaments of brass, simulating gold, which are heaped upon it." And it is the ardent hope of every friend of Harvard that you may enter on your new career of duty with the cheerful expectation of being useful to a rising institution, and not discouraged by the lamentation that "it is actually poorer, weaker, and less efficient than it was many years ago." If I have contributed any thing to strengthen your faith, and that of other friends of the college, in its stability and progress, to increase the love of the alumni for the good it has effected in times past, and the yet greater good which may be hoped for in time to come, I shall have effected my purpose, and shall be ready to go on, with new zeal, in the performance of the responsible duty in which I shall be associated with you, as

ONE OF THE CORPORATION
OF HARVARD COLLEGE.

REMARKS

ON THE

HARVARD TRIENNIAL.

ADVERTISEMENT.

The following remarks were originally intended for the Boston Advertiser, and adopted therefore the current style of a review, which it is now little worth the pains to alter. But the *junior* editor saw fit to reject them; and could not find it in his heart, to drop the hostility there. He had been timely sounded on the subject of the article, by one of his own circle of friends, who hinted its character and aim; the reply conveyed nothing like objection. When the piece was, in part, seen by him, it was declined on *account of its nature* simply; though of what nature it was, he was just as well aware, two days before. The MS. was conveyed to the office, through the same friend, with the distinct request, that, if it did not find favour, it should be, through this channel, returned in season for another disposal against *a particular day*. To recover it, however, cost not a little trouble and delay; which were only ended by the writer's being enforced, at his own cost, to give it its present form.

In lieu of acceptance, it was assailed in the B. D. A. with petty and feeble cavil; a paragraph, which was transferred in a heedless moment to the Transcript, as its publishers now seem to admit. The editor could not be content to shut it out from his own journal, without doing his best, in dramatic phrase, to 'damn' it in advance for every other. It was a course alike ungentlemanly, ungenerous, and unkind. If he was not called upon to render his reasons for the step to *me*, there was surely as little call to give them to the *public*. It was not worth while for one, who occupied a chair in which he felt himself at liberty to be despotic, to give them at all. They could afford to be frivolous. As to an article strictly anonymous—coming through the post-office,—the writer of which could no otherwise be reached or noti-

[*See last leaf of this cover.*]

REMARKS

ON THE

HARVARD TRIENNIAL.

This dry and unsavory document does not offer to the eye of the million, a very tempting caption. It will look odd somewhat to place in an attitude for review, a collection of names and dates; or to hope for attention to petty statistics. We fancy, however, that not a few kindred tastes will be arrested the rather by this very title; and already suspicious of the truth, be apt to say that the strictures we have in view, do not come a day too soon. The return of our annual holiday renews that interest, and makes it an opportune time. The Triennial seems to have been hitherto a privileged periodical; either above or below criticism, as individual humours determine. This immunity from the common ordeal has certainly been any thing but an advantage to the book; and nothing else could have emboldened some whom we have known, to lay upon it quite too hasty hands, as revisers. Happy for our Catalogue would it have been years since, if those taking it in charge, had had before their eyes the same salutary fear that operates upon other editors and authors. We mean to use no unmeasured words, and yet can hardly hope, the patience of the reader will attend us into the fullest detail, in order to make them good. We would otherwise pledge ourselves to show that, from a collegiate source, no *reports* (if that term be fitting,) of this nature, ever issued from time to time, less worthy of reliance. We doubt truly,—to sport with our subject,—whether a much stronger case can be made out against *their own*, by the brother-reformers who have given, the present season, such prominence and interest to a great philanthropic society of the age.

These charges of negligence lie pre-eminently at the door of almost every Catalogue from 1830 onward ; it is not worth our while at least to go further back. It would startle many readers perhaps, to tell how many persons during that interval were consigned by the revisers (after their best ability,) to premature graves ; and how many, on the other hand, were left on the stage unthought of, uncounted years after the curtain had been drawn between them and the living world. In that of 1842, divers graduates,—through our own humble agency, in every case but one, we think,—were restored to their happy friends, all of whom had slept, on our academic roll at least, very much more than a Rip Van Winkle sleep. And yet one of these, poor man!—we grieve to see it,—is, in the latest Triennial, remanded back *to his own place* ; no doubt, viewed as becoming, by his resuscitation, a fugitive from justice. Inexorable death has become but the obedient instrument of the Catalogue editors. For the benefit of any of our readers who may be curious, we refer them for this last case to the Class of 1785. But as if to " to keep the balance even," in this self-same catalogue of 1842, in lieu of the restored (spoken of above) more living names were *expunged*, without asking leave of them or of Providence, than can probably be found in any one catalogue from their earliest date. It will give your readers some idea how busy was the destroyer in that day, to mention that two of these unfortunates stand in juxtaposition in the same class (1784). To all, thus involved, one comfort, at least, we trust was left;—that their eyes and nerves were not called to the trial of seeing their own death-sign. We may not be too sure of that : this we can say, the editor was saved the trouble as to both these Siamese dead, of repairing his blunder. The first opportunity came too late. What hastened their end, we shall not too curiously inquire. There does, however, recur to memory a case, not above eight years since, to which our own ears can testify. Being in the college book-store upon Commencement morning, we were aroused by the outbreak of a gentleman, who, having entered and called for his Catalogue, then just issued, at once exclaimed in a tone of horror, " Why, I'm dead !" Is it, we would just query, an

instinctive foreboding, that now-a-days, prompts a graduate, with every new Triennial, to turn, first of all things, to his own name ?

A good illustration of the whole matter in hand rises before us, which it may be just as well to give in detail, from a single class, (1811). In 1839 a worthy gentleman, far down in the alphabet, then and now a resident in the secluded island of St. Croix, W. I. was suddenly *asterized*. We happened to know beforehand the evidence upon which this had been probably done ; but being lighter than a feather in itself, we did not anticipate it was to lead to so egregious a step. A gentleman of fortune of this city (whose name will occur to many minds) the owner and nearly annual visiter of landed estates in the island just named, returned home that very autumn, and two months after it was too late, the error was disproved to general conviction. For ourselves, no conviction was wanted. It waited for rectification, of course, nearly three years. And then, (1842)—asterisks being too precious to be lost,—that in question, taken off from the end of the class, was thrown, at a sort of venture, to the beginning, where it alighted on the luckless head of another gentleman almost as remote,—not in " the far west," as it now is,—but in Dayton, Ohio. And what warrant was there for this ? Why, that in some one of our city papers, under the obituary of past years, this family name, with a *different* christian one had been found ! This second blunder was virtually confessed in the catalogue of 1845 ; so that the asterisk has begun its travels again. Truly, with a few such examples before us, we cannot quite refrain from a gentle hint at least, that the office of an editor of the Triennial is not altogether the humble service some doubtless think it. An acquaintance with petty facts is not alone to be supposed ; but some little aptness surely to use them for comparison and inference. Let us, while this quality of judgment is up, be allowed to produce an example in relation to quite another point, and breathe awhile from this sad subject of mortality. In the Catalogue of 1845, as many have noticed, his Oxford honor is withheld from the distinguished head of our University. A specimen of wise decision this, indeed ! the reasons of which one might vainly exer-

cise his fancy in guessing. That it was bestowed amid some disorder, and after some feeble opposition, every one knows ; but who before ever doubted his legitimate title to wear it ?

In what we were constrained to say of the Catalogues from 1830 inclusive, no disrespect certainly was implied to the gentleman and scholar to whose care, we believe, the four first of these were subjected. The extraordinary and unheard-of *method* pursued with the catalogue from that date,—but never previously,—this lies at the very bottom of our strictures. It was committed into whatever hands most conveniently offered, *connection with college*, *in some way or other*, being the great qualification. The Corrector of the University Press however (as was then that gentleman) had no sympathy, *officially*, with researches like these ; he did not pretend to have, *individually*. This service was not coveted, but rather enforced upon him ; and his proper vocation filled his hands. But there existed, sad to say, in the highest quarter, no right apprehension of a subject, which was intimately united with antiquarian pursuits ; and as little respect probably either for such pursuits or for those addicted to them. It was not a thing to be conceived of, that the care of the Triennial required any special or peculiar qualities ; though, if not, it is pretty nearly an exception among books. One man, it was doubtless thought, was about as good as another to fit this work against Commencement-day ; just as one operative would serve equally well with an hundred others, to trim the borders and run the roller over the gravel-walks, for the same occasion. The essential thing about the pamphlet was, that CATALOGUS HARVARDIANUS should be correctly labelled on its side ; the character of its contents was quite another affair. Like Milton's first woman, "of outward show elaborate ; of inward, less exact." The whited sepulchre of olden time, fair to view, covered dead men's bones and all uncleanness. The Catalogue, with its neat pea-green outside, is certainly little else than a death-register ; and if "uncleanness" may typify error in its grossest forms, the comparison will not be wholly without resemblance.

The appending the date of death—or what was to pass for that,—to the several names, made quite an era in the monotonous history of the Catalogue. It seemed at the time to find a general welcome, as an essential improvement. The *design* was confessedly praiseworthy. As to the rest, every thing turned upon its being a severely faithful array of dates ;—not a wanton collection of figures, scattered, as it were, after the leading of the dice-box. The satisfaction with this feature, expressed, supposed at the outset that it was a reliable reference. And yet,—putting aside scarcely a half-dozen exceptions,—this is to *be taken for granted*, if taken at all. Each individual can speak little further than to some few connections or classmates of his own. More than five years since at the very least, we were ourselves questioned by the late Judge Story, the suggester and main promoter of the new feature, as to its feasibleness. The exact reply given him we cannot recall. What in substance it should have been, has been a settled 'part and parcel' of our mind, long ago ; earlier even than the appearance of the recent Triennial ;—of course, now confirmed ten-fold. This is, that, under any circumstances, it called for and claimed very cautious and gradual preparation ; nor even then was it likely to find fitting execution, except from hands already familiar with the infinite minutiæ which that involved. A few weeks of hasty, rather of headlong, attention ; without any true responsibility to command respect and confidence ; devolved upon any doer of all work upon the college premises,—such a course could only serve to make it a laughing-stock in the eyes of other colleges and of our own sons. An eminent alumnus of Harvard (no name certainly more than his is upon the tongues of men) expressed to us last April the opinion, self-prompted we can faithfully affirm, that what to him was most observable and striking was—*the anxious endeavour to make a formidable show of dates.* How often the like judgment has or has not been *expressed*, it is not easy to say ; but we should be glad to know of a man who *entertains* any other. Alas! for that precipitancy. "Vaulting ambition," &c. ....we know the rest.

We intend no proper dissection of the catalogue here. Space indeed would utterly fail us. We must pass over untouched the multitudinous cases, that are wide from truth not more than from one to five years ; in fact, the nature of the topic deters us from entering minutely into any, short of from a score to a half-century of years astray. Within stinted limits, as we are, we can do but poor justice to these. There is indeed a class of examples, whose unhappiness is not so much in any interval of years from truth, as in the ludicrous confusion of persons plainly made. Such a medley of fathers mistaken for sons, and sons for fathers, of uncles and nephews transposed, of two identical names shot down with the same date which belonged only to one, (to " kill two birds" *of this sort* " with a stone" will not do), and of persons never perchance within college walls, favoured with a sort of *ad eundem* on its roll,—is it possible elsewhere to find ? As to this *blind-man's buff*, this groping uncertainly among namesakes and relatives, there rushes at once to mind, by natural association, the pleasant story which is related somewhere by Scott ;—in allusion, very likely, to the long current imputation of his own novels to his brother Thomas in Canada. Sorry we are to mar, as we may, his graphic sketch by being driven to quote from memory. He tells of a sheriff's officer (probably enough, of the Emerald isle) entrusted with an execution, who, failing of his prey, made report on his return,—' We could n't find the fellow, we looked for, your honour ; but, that nothing may be lost, we laid hold of his brother, you see ; and that, we suppose, will do just as well.' Such seems to be the very accommodating principle of the college catalogue ;—any possessor of the name will serve to fill the blank, if the true man answer not to our call. Doubtless its remaining blanks will rapidly disappear.

In the Preface to the late Triennial, if we mistake not, readers are notified, in relation to this new enterprize, not to receive ' with implicit credence' [!] all the dates annexed, as a few slight errors were but the lot of humanity. Many an *amateur* of the catalogue has doubtless smiled ' in his sleeve' or out of it, at this considerate

warning; and wondered how large was the simplicity that stood in need of it. It may be said, in passing, that the Preface referred to, is no circular from the Corporation, though evidently intended to pass for such, and, to our knowledge, thus mistaken by numbers. It is nothing but an individual's call.

While these strictures are in progress, a fresh Triennial will be seen from Yale, in which the idea, suggested from Harvard, is carried out. But we well know it has been *deliberately* done; under auspices like those of Professor Kingsley and Mr. 'Librarian' Herrick; and we doubt not a moment, worthily in all points of that ancient academic seat. By its side, the document of her sister college will present but a sorry comparison. Whatever rivalry there may be on a greater scale, of which their respective sons and friends sometimes speak, there will be none here.

We now take leave of the Harvard Catalogue; only subjoining a few of the more notable examples to which we have adverted. Minor blemishes must be dismissed with little ceremony. One or more specimens may perhaps be gathered from every column. To every reader, the illustrations here seen, will prove, we doubt not, an abundant guaranty of "greater abominations"* which might be shown. The aggregate of error in the unexhibited cases, we will venture 'a guess,' without making any computation, amounts to *some hundreds of years*. A late College Treasurer, (we learn it from a sure source) thought the Catalogue a heavy item of charge, recurring needlessly often. Well might he so deem, if it could produce only results like these. In the autumn of 1845, an *injunction* suspended for many weeks the delivery of the catalogue; to the exceeding inconvenience and great ill-humour of numbers of graduates. And all for what? That a half-line of fancied omission in his titles might be supplied, at his clamorous call, to the name of a public man, of somewhat large, but not too happy, notoriety. Did the honourable Corporation think that these were the gravest errors that called for their interference? If some modest and deeply secluded country minister, whose fresh clerical honour [S.T.D.] had by some accident been forgot-

* Ezek. viii. 6.

ten ; and to whom, in the eyes of brethren around and parishioners at home, this honour was his all in all,—had *he* made the like lament, would it have found the same alert and even eager respect as that paid to a venal politician ?——But we digress. If any heed were likely to be paid to advice from us in regard to the Catalogue of the ensuing year, it would be summed in a word—REVERSE THE ENGINE. Let all the labour be retrograde. To talk of further progress is best left for a coming age. The Triennial, which now receives some fair share of interest and attention, will otherwise, instead of embalming the dead, become itself the veriest dead-letter, untouched and uncared for ; and to no individual enrolled on its page, may the common wish be more pertinently spoken, than to itself—*Requiescat in pace.*

Prefixed to each name is the date of collegiate standing ; and suffixed, the alleged date of death. It hardly seemed worth while to specify the precise day of decease in the cases below, though for the most part known to us. The authorities we have specified, in the italic character.

1772. Benjamin Loring.* 1781. Commodore L. the father, was a retired naval officer, and commissioner of excise, whose residence was at Jamaica Plain, (the seat of the late D. S. Greenough), and who became a refugee. *He* died at Highgate, near London, in the autumn of 1781. But the *son*,—except that he also crossed the water,—of him we challenge the revisers to show any knowledge.

1762. Joseph Hooper.* 1790. An exact counterpart. Joseph was the second son of " Old King Robert"—his well-known title in Marblehead, where he died (the King, observe,) in May, 1790, aged *eighty.* Him, it seems, the revisers mistook for a graduate less than *thirty* years previous. Not exactly : J. H., who left his country for England even before the Revolution, died in Bungay, Norfolk, *more than twenty years* after his assigned date.—*Private Letter from his descendants on Long Island.*

1748. Edward Hutchinson.* 1752. This completes a triplet of examples. The Hon. E. H., the namesake and *father*, preceded Gov. H. his kinsman, as Judge of Probate for Suffolk. *He it was who died in* 1752. But this son, who sunk into

mental feebleness, and dependence on his friends, died at Oxford in Worcester co. *within the present century, towards* 1810.—*Private L. from W. Sigourney, Oxford.*

1772. Jonathan Simpson.* 1804. The Catalogue has "cut short his days" somewhat over *thirty years.* J. S. was a son-in-law of John Borland, esq. (a well-known gentleman of fortune, of the Revolutionary period,) and died in this city so lately that many will, doubtless, remember him [*see newspapers.*] This blunder, as was apparent to us in a moment, grew out of servilely copying a mere *typographical error of our own.*

1770. Owen Warland.* 1795. An overshooting the mark of *twenty years.* O. W. was of Cambridge, and died of the small-pox on the very threshold of life as a medical practitioner, within five years from college.—*See newspapers.*

1771. Edward Kitchen Turner.* 1771. That is, he died on the very year he left college. So much for relying on the treacherous authority of Winthrop's MS. Unluckily E.K.T. went through a whole *three* years' medical course as a student with Dr. Holyoke [*Mem. of Dr. H.*] ; and then, after a voyage or two between Salem, his native place, and the North of Europe, was lost on his return from Gottingen.—*Private Information from a living contemporary.*

1771. Amos Winship.* 1811. What is the warrant for this ? The individual, early in life an apothecary at the North end, [Boston,] afterwards a surgeon in the U. S. navy, and in his last years a victim of mental dejection or alienation, died at Welfleet on Cape Cod, somewhat *prior to* 1828.—*Private L. from the Town Cl. of W.*

1768. Jeremiah Fogg.* 1828. His father, of the same name, [H. C. 1730] was minister at Kensington, N. H. ; and there also lived and died, the son ; not in 1828, however, but *twenty years earlier.—See newspapers.*

1746. Benjamin Fessenden.* 1762. He too had a clerical father of the same name [H.C. 1718], minister of Sandwich : Here also the son, who was an innkeeper, died some *twenty years* later than the date given him.—*Private information and newspapers.* [The above vocation was maintained in S. through the next generation under the same name, with an unusual celebrity.]

1755. Philip Livingston.* 1776. On the contrary, this young gentleman died at the Livingston Manor, N. Y. almost from col-

lege walls ; that is, in the succeeding spring. There is no dispute about this. His brother, Peter L.—class of 1757—died according to the Catalogue, in 1798. Upon what authority, we are quite at a loss to discover.

1773. Theodore Parsons.* 1779. This was the youngest brother of the late Judge P., and whose life began with high promise. He entered, the War being still in progress, as a surgeon on board an armed ship (the Bennington) ; and the vessel was soon after hemmed in amid the ice of the river St. Lawrence, when all on board perished in a lamentable manner. Mr. P. as a young man of scientific spirit, became one of the founders of the American Academy, where his name is seen in the original Act. As this, however, bears date in 1780, it really casts some faint doubt upon the idea of his having died a year before.

1770. Abner Smith.* 1843. A native of Springfield ; minister of Derby, Ct. ' Great hill' parish, until 1824 ; he then removed to Reading in that vicinity ; and in a few years to the western part of New-York state, where he died at a great age, 1837–41. Nothing definite can be learned of him. Any one of some six or eight years, might stand there with equal propriety.

1741. Robert Cutler.* 1765. A native of West Cambridge, minister of Epping, N.H. [1747–1755], and of Greenwich, Hampshire co. [from 1760] ; dismissed, we believe, for some alleged immorality, he died more than *twenty years* after the date assigned. *Am. Qu. Reg.*

1733. Christopher Bridge.* 1773. We pronounce this utterly baseless. C. B. who was the son of an espiscopal missionary at Jamaica, W.I. (his own location the revisers will hardly venture to name) died at least *twenty-five years* prior to the above date. *See the Triennial Cat. of* 1748.

1726. Joseph Pynchon.* 1754. Again betrayed by confiding in Winthrop. J. P. a physician of Springfield, and J. P. of Hampshire co. removed eventually to Boston, and outlived nearly a *dozen years* his above-given period of life. *Suffolk Prob. Rec. & Colonial newspaper.*

1725. Thomas Diamond.* 1728. A native of Ipswich, " who died *before* the Commencement of 1728," says Winthrop. But did he imply *how much* before ? He is already *asterized* in the Cat. of 1727.

1730. John Barton.* 1734. An error of *forty years*, and entrap-

ed therein a second time by a mere typographical error in our lucubrations. The person was a merchant of Salem, his native place, to the very eve of the Revolution.

1722. John Mountfort.* 1785. This *juxta* blunder is the counterpart of the former in extent (*forty years*); but what could have misled this time, no conjectural skill of ours is deep enough to say. The person was of Boston, son of John and Mary M. *City Rec.*

1687. Josiah Dwight.* 1726. The date not of his death exactly, but *only* of the close of his first ministry. He was son of Timothy D. of Dedham; first minister of Woodstock, Ct. [1690–1726], and the same of Dedham, west parish, [1735–'42]. He returned to W. and died about seven or eight years after. (*Boston News-letter.*) An error of perhaps *twenty-two years*.

1650. John Whiting.* 1709. J. W. was the first minister of the south ch. of Hartford, Ct.; and died a *full twenty years* prior to the above. (*Hartford Prob. Rec.*) So writes a friend and critically exact antiquary, familiar with the archives of every town and county along the shore of the Connecticut.

1762. Isaac Winslow.* 1819. The revisers, it is plain, thought this to be Dr. Isaac W. of Marshfield, long a well-known physician on the South-shore, and youngest son of Gen. John W. But they were entirely at fault. The *true Isaac*, a merchant of Boston, of the Sandemanian faith, and politically a loyalist, died in B. *very near thirty years earlier*. (*Pr. L. from the family.*) This too, we can see, is to be traced to the following too close (without seeking further) in the track of a published and early error of our own.

1727. Isaac Winslow.* 1738. The father of the above. He died under British protection at New-York, just about the middle of the revolutionary war. (*See certain newspapers.*) This *faux-pas* is very nearly or quite of the *forty years'* stamp. Whence that 1738 was derived, we are entirely puzzled to divine.

1705. John Wilson.* 1772. This is the strongest case, *numerically* (*i. e.* counting time) in our whole series. We marvel whom the revisers thought they had got here. Had his life been prolonged as the above implies, he would have been, with scarcely an exception, the oldest living graduate. But the simple fact is,—J. W., a native of Braintree, settled at or preaching in Swanzey, Bristol co. was carried off by a rapid fever, when *less than ten* years out of college.—*Letter of Hon. Judge Sewall*, contemporary with the event.

1669. Joseph Gerrish.* 1720. } Did then these persons (father and
1700. Joseph Gerrish.* 1720. } son) both die,—do the revisers seriously think,—on the self-same year? Singular truly; though there is no natural impossibility. The father, the minister of Wenham, near Salem, and very well known in his day by his brethren of Essex, finished his course, to be sure, at the time above given, as confirmed by many testimonies. The son too is designated as a minister. But of his sepulchre "no man knoweth," and quite as little on what part of the earth's surface was his path of life that ended there. All is obscurity; which not even John Farmer has been able to penetrate. How then is this? Why, some grave [Qu. comic ?] authorities seem quite at a loss to settle *which is the father*; or again, it is said, that both, (despite of records) were ministers of W., the one being a *fac-simile* life to the other from its first hour to its last. And some old gentlemen, much deferred to in these matters, giving in, as we are told, for one (or perhaps, uniting both) of these theories, the result follows. We are half ashamed so to state it; but no better apology is there for this double date.

1709. John Wainwright.* 1739. } We repeat the challenge with
1711. John Wainwright.* 1739. } which the preceding article began. John Wainwright of Ipswich, colonel of the regiment, a representative, Clerk of the House,—evidently a considerable man,—died Sep. 1739. [*B. News-let.*] But which of these near contemporaries, if either, was *he?* It is not very likely, both; though it was very long doubtful to those most at home in these inquiries, which. But it is not doubtful now; nor was it previous to the issuing of the last Triennial. From evidence in the College Library, then recent, it was clear that in 1739, the *later* John [1711] had been dead at least a dozen years. *We* know him to have been so [drowned] very near *twenty years* before. (*Town Records in Essex co.*) To both this date and the preceding one then, what better name can we apply than dishonesty?

fied that his offering was unwelcome,—in such case perhaps, no other course remained than the one taken. But, when the desk could so easily be rid of what it does not want, as in the instance before us, what apology shall be made? There were eyes, whether he knew it or not, that would sparkle with malignant joy to read what he had written.

It is on all sides an admitted rule, that every book is amenable to criticism; it is an obvious corollary, that the way should be left open for it. Yet a pamphlet, such as was the subject of my remarks, plainly can be brought to no other bar than that of the daily press. It does not comport at all with more stately and professed Reviews. And yet here is one of the fraternity, exerting every nerve to block up the avenues to the judgment-seat; with an earnestness, that may well arouse curiosity to pry into his hidden and probable motives. On the very threshold of that ill-starred article it was said, that it had been the chief misfortune of the Harvard Triennial, to have escaped all criticism in past time. The editor gave or tried to give (what was not asked) his reasons for refusing such criticism. Intangible as they were, they seemed, in the best form and shape that could be given them, to be some vague and shadowy fancy that family affinities rendered any thing, having an unfriendly bearing upon the college, peculiarly unfit for his columns. To this point it may suffice to reply, — what few readers of average understanding will need should be told them — that the present distinguished Head of the University, to whom is gladly tendered our share of the general respect and admiration, is about as much implicated in any of its strictures as if he continued to the present moment to adorn a foreign court. They most literally all pertain to a preceding period. No catalogue has been issued under his name and auspices. Whenever that time comes, we live in the hope that a better æra will begin.

A

MEMORIAL

CONCERNING THE

RECENT HISTORY

AND THE

CONSTITUTIONAL RIGHTS AND PRIVILEGES

OF

HARVARD COLLEGE;

PRESENTED BY THE PRESIDENT AND FELLOWS

TO THE LEGISLATURE,

JANUARY 17, 1851.

CAMBRIDGE:

MEMORIAL.

To the Honorable the House of Representatives of the Commonwealth of Massachusetts.

The President and Fellows of Harvard College, having been notified to appear before the Legislature on the second Wednesday in January, 1851, if they shall see fit, to show cause why a bill, proposing a new organization of the College, reported at the last session of the Legislature, should not be passed, would respectfully submit to the government of the Commonwealth a brief statement of such considerations, as seem to them most important in relation to this subject.

In a document of this nature, which should assume the form of a Memorial, it is impossible to enter into a full examination of all the grounds, upon which the claims of Harvard College to the favor and fostering care of the Legislature are to be maintained. Little more can be done, than to suggest to those, who take an interest in the cause of thorough and sound education, some of the facts and reasons, which prove the great and constantly increasing advantages that have been derived from the organization and management of the College; to show how promptly it has met the rising demand of the community for higher and higher attainments of the pupils, and for improvements in the methods of instruction, and how earnestly and successfully it has sought for larger means of usefulness, which are at this moment, in their immediate results, giving the richest promise of future progress; and, finally, to indicate very concisely the legal argument demonstrating that the organization of the College, fortunate as it has proved itself to have been, cannot be safely, lawfully, or constitutionally overthrown, or essentially changed.

The Report of the Committee, who drew up and recommended the bill, is clothed in terms so vague, general, and desultory, that it is not easy to bring its several points under any methodical arrangement; but the substance of the Report, by which the reasons for the bill are supposed to be sustained, may be divided into the three following topics.

1. That the College, in the language of the Committee, fails to answer the just expectations of the people of the State.

2. That the principal cause of this failure exists in the present organization of its government; and that a remedy is to be found in an alteration of its Charter, enlarging the number of members in the Corporation, and providing for their election by the Legislature.

3. That this alteration of the Charter is to be effected by a simple legislative act, without consulting the government of the College, and without its consent.

Upon these topics we proceed to speak in their order, showing that the allegations of the Committee are incorrect in certain particulars, as to matters of fact, unsound in principle, and hazarded apparently with little knowledge of the actual state of the University at the present time, and of its progress for the last forty years; and that their argument in support of an alteration of the Charter, by a legislative enactment alone, is at variance with established laws, and of a tendency dangerous to all chartered rights.

I. It is remarkable that so grave and sweeping a charge, as that of failing to answer public expectation, should be advanced without a shadow of proof, or even an attempt to show wherein the failure consists. It is easy to make assertions, but on so large a subject, involving so many interests and such a complication of details, is it just to make them without a patient and careful investigation of the facts? The loose remarks of the Committee on this important head afford neither proof nor explanation; and yet, upon this very point all the complaints in the Report, and the demand for a change in the organization of the institution, necessarily depend. If the College has been successful, no change is required. It has not been successful, say the Committee, and therefore its Charter must be altered. Here we have an opinion unsustained by proof, and an inference from such an opinion, and nothing more.

Since the Committee rest their strength upon this assertion, as the groundwork of the bill presented by them to the Legislature, we are bound to examine it somewhat in detail, and ascertain how far it is supported by well known facts in the recent history and present condition of the University.

Let us inquire, in the first place, what is the public opinion concerning Harvard College, compared with other similar institutions, in regard to its literary and scientific resources, the use that is made of them, and the quality, extent, and thoroughness of the education furnished to its students. Is it not true, that, in the judgment not only of its own graduates, but of the well trained scholars of other and rival institutions, it has always been regarded as not surpassed by any American college, for the amount and value of the instruction it gives? This reputation and position we are proud to believe are not yet lost, and they afford presumptive evidence, of the strongest kind, that, if there has been any failure to satisfy reasonable expectations, it has not been owing to the methods of instruction, or to the kind and extent of the education which may there be obtained.

This is said in no spirit of boasting, and with no desire to claim a superiority over other colleges, which has not a foundation in the circumstances attending the progress of Harvard College, and by which it is now surrounded, but merely to show, that the liberality and generous confidence, with which it has been fostered in this community, have not been bestowed in vain, nor without corresponding and appropriate results. Being the oldest College in the country by more than half a century, and having larger resources than any other, it ought to offer superior advantages to its students; and that it does so is only a proof of the discharge of an obligation, on the part of those to whom its government has been entrusted, which it would be discreditable not to have discharged. Nor is it presumptuous to say, that this duty has been steadily and faithfully performed, and that, while the College has ever been recognized as the leading institution of the kind in the country, it has sought and embraced every opportunity for improvement in the means and methods of instruction, introducing new studies as the progress of science and intelligence has required them, and striving at all times to elevate the standard of the

education it conferred, as well as to adapt it to the wants and demands of the community.

These statements are especially and strikingly verified in the history of the College during the last forty or fifty years, and it is not necessary to examine into the proofs of progress in remote periods. The question does not turn so much upon what the College has been, as upon what it now is, and what have been its achievements and tendencies in recent times. If a marked and decided progress can be shown to have taken place within forty years, if it can be shown that great advances have been made in intellectual culture, pecuniary resources, the increase of the library, scientific cabinets, apparatus, and commodious buildings, in the number of students and of instructors, and that these have been chiefly effected by the joint efforts of the Corporation and the able and faithful men, whom that Board, in concurrence with the Overseers, have placed in the College to manage its internal affairs and guide the studies of its pupils; in short, that the education given there is in all respects as good, to say the least, as can be obtained at any institution in America; if these can be shown, it is believed that the Legislature will be slow to yield assent to the assertions of the Committee, that "the College has failed to answer the just expectations of the people of the State;" and that "the organization is such that it must necessarily resist changes in opinion and modes of instruction."

The number of students in a college, for a long term of years, may perhaps be considered as in some degree a test of its prosperity or decline, and of the public favor which it enjoys. If we go back forty years, that is, from 1806 to 1810 inclusive, we shall find the average number of undergraduates annually for five years, as shown by the catalogues, to have been two hundred and eleven. During the last five years, the average number has been two hundred and eighty; and the present year there are two hundred and ninety-three. For the last few years there has been a steady increase. This aspect of the College certainly does not indicate a decline in public estimation, nor a failure to answer the expectations of the people. It may be said, that more students might be accommodated and instructed, but the same is true of every other college in the country. Not

one of them has ever yet turned away a student because its halls or lecture-rooms were full. On the contrary, a large portion of them are languishing for the want of students, and efficient public support. Yale College is the only one, which has a larger number than Harvard; and the increase in that institution is not to be ascribed to any novelty or changes in the modes of instruction. No college has adhered more steadily to the old methods.

The establishment of new colleges has also had an important effect on the increase of numbers in those of earlier date. Fifty years ago, there were twenty-five colleges in the United States, some of which then scarcely existed, except in name; there are now more than one hundred and twenty in full operation; a ratio of increase equal at least to that of the population. The field from which our students came, at the beginning of the century, embraced almost the whole South, and a large part of the middle and northern states. There was but one other college in Massachusetts, and that in its infancy; and in fact the only important rival of Harvard in New England was Yale College. Dartmouth and Bowdoin were comparatively recent; and Brown University had but few students. There are now fourteen colleges and universities in New England alone, three of which are in Massachusetts, and all of them containing able and learned instructors, and all sustained by the zeal, energy, and liberality of a large body of friends.

At the south, within the period named, Maryland, Virginia, North Carolina, South Carolina, and Georgia, have successfully striven to create or invigorate seminaries within their own borders, which superseded the necessity of sending young men to the north for a collegiate education. The middle states have also greatly enlarged the number of their colleges, there being now nine in New York and ten in Pennsylvania, and they have added to the extent and usefulness of those then in existence. The Great West, which has been peopled almost entirely since the beginning of the present century, has for the most part supplied its own wants in this respect, and has furnished very few students to our eastern colleges.

Another circumstance, of much weight, tending to retard the increase of numbers in Harvard College, has been the constant

raising of the requisitions for admission. The object has been to secure a higher and more solid education, by inducing young men to remain at the academies till their minds were more mature, and their habits of application and discipline were better established. This has doubtless been practised to a considerable extent in other colleges, although in some of them the standard is still lamentably low. Harvard has always taken the lead in this painful process, and has kept, in this respect, really in advance of the spirit of the age. Neither parents, nor teachers, have always been willing to accede to the demands of the College in this matter. It has been necessary to create a public opinion, which should sustain the College, and to bear with the temporary unpopularity, which vigorous efforts against the common current never fail to produce.

But those, who have been active in this measure, may well congratulate themselves on their success. Forty years ago it was no uncommon thing for boys of thirteen years of age to enter college. Very few have recently entered at Harvard under sixteen, and the average age for several years has been seventeen. Nor have the students of Harvard alone been the gainers by this process. The example has been followed by other institutions; the standard of attainment is everywhere becoming higher, and the public begins to understand and value its importance. The oldest institution has always been the pioneer in this path, and at the present time practically demands higher requisitions than any other for admission within its walls. This is as it should be, but, so far as mere numbers of students are concerned, it necessarily produces an unfavorable effect.

Again, the expenses of living at Cambridge are unavoidably greater, than at any other place in the United States where a college is established, except in one or two of the large cities. The price of nearly every article, whether of necessity, comfort, or convenience, is in fact the same as in the city with which it is so much connected, and of which Cambridge almost forms a part. The charge for instruction, and the incidental expenses, are not materially higher than at other colleges, but the cost of living, of the food, raiment, and fuel, which every student must have, is at least double that for which the same may be obtained at many other institutions. In the face of all these dis-

couraging circumstances, the young student, alarmed at the requisitions of Harvard, tempted by the feelings of sectional patriotism to remain in his own Commonwealth, and threatened with the expense of a residence in a city where everything is comparatively dear, is often deterred from following his own desire, and seeking the best education, and is induced to resort to a nearer and cheaper college, when he would really prefer a degree from Harvard.

These remarks are not founded on theory or conjecture. Applications are constantly made to the officers of the College, by young men in various parts of the country, who express a strong wish to become pupils, but who are finally discouraged by the prospect of the expense, and are obliged by their narrow means to resort to some other institution. And what renders this circumstance a double misfortune is, that these young men are commonly in the class of those, who are eager to obtain an education for its own sake, and who would become an honor to the College. Let any one fairly consider the whole case, and he will be surprised rather that so many students continue to come to the College, than that it fails to attract more.

Nor does this burden of expense bear upon the students only. The professors, with their families, the other instructors, and all persons employed in the internal operations of the College, must be supported, and the salaries and compensation must be made adequate to this support. The erection of new buildings, as the progress of the institution requires them, the constant repairs of old ones, the alterations for better accommodation, and the wages of labor, must all be provided for on the same scale of expense. The government of the College is certainly not answerable for its location. Our forefathers thought proper to plant it in Cambridge, then on the borders of a wilderness, now a city; it has grown up and flourished there; and by no stretch of wisdom or economy can its affairs be administered as if it stood in Williamstown or Amherst.

It is needless to inquire, whether its success could have been achieved and maintained, to the extent it has been, without extraordinary efforts in some quarter to procure the means, and apply them properly. It is clear that this could not have been done, except by the unwavering and judicious course pursued by those to whom the charge of the College has been confided

for the last forty or fifty years. They have carefully sought, in all quarters, for such additions to its pecuniary resources and intellectual strength, as should secure to its alumni the best education which the country could afford. To gain this important end has been the aim of unceasing effort on the part of its government.

Although the result will not be questioned by any one, who is acquainted with the history of the College, yet it may be useful to refer to some of the steps which have been taken to procure it, and to show by what impulses the College has been steadily moved onward, and for what reasons, as far as they can be ascertained, new resources have been frequently and liberally contributed.

In 1801 the entire body of instructors, connected with the University, consisted of six professors and four tutors. There was a professor in each of the following departments; Divinity, Mathematics and Natural Philosophy, Hebrew and other Oriental languages, Anatomy and Surgery, Theory and Practice of Medicine, and Chemistry. The three medical professors were employed on subjects belonging rather to professional than collegiate studies. They gave a short course of lectures only to undergraduates. The professors of divinity and Hebrew also devoted a portion of their time to theological students, who were resident graduates. It thus appears, that the instruction to undergraduates, in all the departments, was given by seven gentlemen; three professors and four tutors.

How does this compare with the provision made for these studies at the present day? There are now ten professors, (besides two temporary vacancies in divinity and Latin,) each at the head of a separate department; four tutors, and three instructors in modern languages; thus ensuring thoroughness of teaching in as many studies as can be usefully embraced in a course, which continues no longer than four years. Recitations from text-books are regularly heard with great care by each of these seventeen officers, as they doubtless will be by the others, when the vacancies are filled. Moreover, seventeen courses of lectures are given by different professors, during the year, to the advanced classes, embracing a great variety of topics in literature and science, and especially designed to exhibit more comprehensive and practical views of the subjects, which have

occupied the students' minds, than can be obtained from the text-books alone, and to connect the past with the present state of knowledge.

This brief contrast is enough to show, that the College has not stopped nor lingered by the way, that it has kept fully up with the progress of the times, and that it has multiplied the objects of study, and enlarged the means of instruction, to an extent etirely adequate to every purpose of utility, and to all reasonable demands of the public. In fact, the quality of the instruction has improved to a degree which can scarcely be explained to persons, who have not made it a particular subject of inquiry, but which is fully understood and appreciated by those, who compare the attainments of their sons with those made by themselves thirty, or forty, or more years ago.

The Committee express the opinion, that Harvard College does not offer the proper advantages for qualifying young men for the various pursuits of life; that some desire "specific learning for a specific purpose," and "would gladly resort to an institution of the higher class, for a limited period of time, if they could there obtain instruction which would make them better farmers, or mechanics, or engineers, or merchants;" and that the compensation of the teachers should depend, in some measure, on their success in drawing students to their departments. And they intimate, that the exclusion of these objects is among the radical defects of the system pursued at Cambridge. The Committee seem not to have been aware, that every one of them has received the express and careful attention of the government of the College, the Corporation, Overseers, and Faculty, and that every one has been subjected to a fair and thorough experiment.

As early as 1826, the Statutes provided that the College should be "open to persons, who are not candidates for a degree, and who desire to study in particular departments only." This provision was thought, at the time, to promise large and beneficial results, by enabling young men, who had not the means, the time, or the inclination for pursuing a full college course, to profit by such instructions in the various departments, as would fit them for their special vocations in life. The scheme was carried into effect, and continued in operation twenty years. Any student was allowed to select such branches as he might

choose, and to receive the same instruction in them that was communicated to the regular classes. The plan of the Committee in this respect was completely carried out. Every department of the College was open to young men, who designed to be farmers, merchants, mechanics, or to follow any other pursuit. Each student was to have a diploma, or certificate, when he left College, testifying to his attainments in the particular branches to which he had devoted himself.

After an experiment of twenty years, however, it was found that there was no such public demand, and that the College was providing for wants which did not exist. During that period, forty-eight students, only, of this description, applied for admission; an average of a little more than two a year; and these were mostly such as had failed in the first instance in their examination for entering the regular college course. A scheme so unfruitful in its results was at last abandoned, three years ago. If it should be still supposed that provision is necessary for specific and partial studies, it is now supplied by the Scientific School, the students of which, if they desire it, have also the additional advantage of attending without charge all the lectures given to undergraduates.

A plan somewhat similar in its aims, and applicable to all the undergraduates, was devised in 1838, and immediately put in operation. In consequence of suggestions from various quarters, the recommendation of the professors themselves, and the acts of the Corporation and Overseers, the students in all the classes, after the Freshman year, were allowed to select certain studies, and discontinue others. This was called the Voluntary System, and was designed expressly to furnish specific studies, as far as possible, to those who desired them. If a young man was preparing for any particular occupation in life, he had an opportunity of storing his mind with the precise kind of knowledge requisite for his success. Moreover, the compensation of the instructors was to depend, in part, on the number of students drawn to the department of each, exactly in accordance with the views of the Committee.

Such was the theory, and it was regarded as an auspicious change by the friends of progress and reform. It was soon discovered, however, that the project of compensating the instructors in proportion to the numbers of their pupils, especially in

an institution consisting of established classes, was fallacious and impracticable. Students, who volunteered into one department, necessarily deserted another, and this without any regard to the talents and accomplishments of the respective instructors, but merely from the caprice of choice, and the attractive character of certain studies compared with others. It is more than doubtful, also, whether this theory of compensation is correct in principle. It tends to foment rivalships and jealousies. It supposes the professor to act from mercenary motives, or, at all events, it appeals to those motives as the springs of action. He is driven to seek for numbers, and, to gain these, he must aim at popular effect rather than deep and thorough instruction. There are many ways by which men of ability and learning can make more money than by teaching in a college, and if they were not influenced by the less interested and higher motive of a genuine love of letters or science, it would be difficult to find competent men to undertake that important and responsible task. If you would have the services of such men, you must ensure to them a liberal support, and then, with a proper reliance on their sense of character, exact a faithful performance of their duty.

The voluntary system has been continued, with various modifications from time to time, although experience early indicated the necessity of dropping this particular part of it. The plan, though matured with much reflection and care, has not fully answered the expectations of its projectors. The object was to enable students, after a certain degree of progress, to devote their time and attention to such studies as would have a direct bearing on their future occupations in life, the very thing considered so desirable by the Committee. It has been proved in practice, however, that many young men in college have not yet decided what occupations they are to pursue, and that very few of those, who have made this decision, are competent judges of the particular kind of studies best suited to their wants in this respect. It has hence appeared, that the choice has not been so much influenced by any forecast of the future, as by a present predilection, founded on taste, an imaginary preference, or a careful calculation of the relative amount of diligence necessary for maintaining a respectable rank in the different departments. Not one in ten, probably, has asked himself whether he

was to be a lawyer or physician, a farmer or merchant. Great praise is due to the instructors for the zeal and perseverance with which they have endeavored, for several years, to execute this plan, which a large portion of them had much at heart, although it increased their labors. It is still applied, in the two upper classes, to Latin, Greek, Hebrew, the modern languages, and mathematics.

Notwithstanding the comparative failure of these attempts to introduce the changes and new methods approved by the Committee, the government of the College must nevertheless claim the merit of having made the experiment seasonably, in good faith, and with earnest efforts to secure success. But the fact is, a liberal education, or an education which shall prepare a man to discharge with respectability and intelligence the duties of any station in which he may be placed, cannot be made up of fragments, or a select portion of specific studies. The whole mind must be trained, by taxing and invigorating its various powers, implanting elementary principles, and establishing the habits of thought and attention. This can be done only by a long and continuous course of discipline, exercised in many different studies, each of which shall contribute its share to unfold and strengthen the faculties, and prepare them for strong and harmonious action. Such an education qualifies a young man to enter upon life with a knowledge of himself, a confidence in his own resources and in his ability to apply them effectively, and with a consciousness that he deserves success, even if adverse circumstances disappoint his hopes; and such an education, complete and thorough, may be acquired at Harvard College; and, if it is not acquired, we are constrained to say it is not the fault of its organization, government, or instructors.

Let us now glance at the progress of the College in multiplying and extending its means of instruction. Within the last forty years, the three largest and most expensive buildings have been erected; Holworthy Hall, University Hall, and Gore Hall; the library has accumulated from fifteen thousand to fifty-seven thousand volumes, not including the law library, of fourteen thousand; the philosophical apparatus has increased more than three-fold in extent and value, having been gradually, although but partially, adapted to the new discoveries and improvements in science; the Rumford Cabinet, consisting of a large number

and variety of models and machines for illustrating the application of the sciences to the useful arts, has been wholly procured; and the mineralogical cabinet, which, thirty-five years ago, was comprised in a single case of moderate dimensions, now numbers about thirty-six thousand specimens, arranged and classified, and so disposed as to be accessible to every student who is inclined to pursue that branch of study.

Again, the professional schools of Divinity, Law, and Science, which now constitute an integral part of the University, did not exist half a century ago; they are comparatively recent creations; and, in estimating the progress of the institution, its means of public usefulness, and the labors, vigilance, and zeal with which it has been managed, these are to be as much taken into the account as the academical department. The Medical School has also grown up from small beginnings to its present state of prosperity. A regular and systematic course of instruction is given in all these schools, and four spacious edifices have been erected for their accommodation; Divinity Hall, Dane Hall, Lawrence Scientific Hall, and the Medical College. The new chemical laboratory, in the Scientific Hall, is very extensive and complete, embracing all the recent improvements for experimental investigations.

The number of professors in the advanced schools is thirteen, the number in the academical department, when the vacancies are filled, is twelve, making twenty-five in the whole. Nineteen of these professors reside in Cambridge, and give constant instructions; the six medical professors give their lectures at the Medical College in Boston. The average number of all the students residing at Cambridge, and immediately connected with the university, for the five years preceding 1810, graduates and undergraduates, was two hundred and twenty; the average number during the last five years has been four hundred and forty-seven. At present, as may be seen by the catalogue, the number is four hundred and eighty-one. In addition to these, the average number of students attending the medical lectures for the last five years has been one hundred and thirty-six; making a total average of five hundred and eighty-three.

It thus appears that Harvard College is now an institution of more than three times the size that it was a half century ago,

containing nearly three times the number of students, and more than three times the number of instructors, and giving an appropriate education in the most important professions, as well as conducting the preparatory studies of the more youthful class of pupils in a manner entirely adapted to the wants and wishes of the public; and, moreover, to assist in attaining these ends, the libraries and cabinets have been increased in a like ratio, and seven commodious buildings, two of stone and five of brick, have been erected.

Nor ought another prominent and valuable adjunct to the University to be overlooked in this general outline. The Astronomical Observatory is of recent date, having originated in the enlightened zeal of a few scientific gentlemen coöperating with the ardent efforts of the Corporation, and having been established by generous contributions from the patrons of the enterprise, and the noble bequest of one hundred thousand dollars by a single individual. Besides the general purposes for which the Observatory was designed, the Director and his assistants give instructions in practical astronomy, with the use of the instruments, to such special students as wish to profit by these great advantages. Observatories, so useful in improving the art of navigation and unfolding the sublime mechanism of the Heavens, have generally been the work and peculiar care of the governments in European countries, and have added largely to their renown in the estimation of the world; and the Observatory of Harvard College, created by private contributions, will be regarded by every enlightened citizen, as an object of just and honorable pride to the State, as well as to the institution of which it makes a part.

We may now inquire in what way, by what resources and efforts, and by whose agency, these great, expensive, and lasting improvements have been accomplished in so short a period? They are to be ascribed mainly to the wise and energetic measures adopted and steadily pursued by the Corporation, as the acting and responsible board. The presidents of the institution, and the prominent men who have been successively associated with them, such men as Theophilus Parsons, John Davis, Christopher Gore, John Lowell, William Ellery Channing, William Prescott, Joseph Story, and Nathaniel Bowditch, have spared no exertions, individually and in concert, to procure

from every quarter, public and private, the necessary means, without which, even the first steps could not have been taken. Sometimes the Legislature was appealed to, and at all times individuals of liberal minds and a generous spirit were sought out, both alumni and others, who, from motives of general benevolence, or a particular attachment to the College, might be induced to contribute of their abundance, either by donation or bequest, to the relief of its acknowledged or anticipated wants.

These remarks may be particularly applied to the seventeen years of Dr. Kirkland's presidency, for a greater or less portion of which period, the eminent gentlemen above named were united with him in the Corporation. To the well known personal character and influence of the President himself may be traced a large proportion of the benefactions so freely made during his official connection with the College. His associates and successors have labored successfully in the same field. More than seven hundred thousand dollars in value have been given to the College since the year 1800, besides the proportional share of the grant made to the several colleges in the Commonwealth by the Legislature. A large part of this amount has been money, bestowed for important foundations, and a very considerable proportion has consisted of books, instruments, and collections of various kinds. In procuring this large benevolence, while much must be attributed to the generous impulses of the givers, much is also due to the disinterested zeal, the direct solicitations, and personal influence of the President and Fellows, which stimulated and confirmed those generous impulses, and guided them to the end so happily attained.

This is not mere conjecture, but a well established fact, founded on abundant testimony. Ninety-four thousand dollars were given by one of the gentlemen named above. It was by the efforts of President Kirkland and other members of the Corporation, that two subscriptions, one in 1817, the other in 1826, amounting together to about fifty thousand dollars, were collected from individuals in various parts of the Commonwealth for the benefit of the Theological School; and it was by their joint influence, that foundations for at least four of the five new professorships in the undergraduate department were provided during that period. To similar efforts of his successors, and their coadjutors in the Board, we owe a fund

of twelve thousand dollars for beneficiary students, of twenty-one thousand dollars for the Library, of twenty thousand for astronomical instruments, of one hundred thousand for the maintenance of the Observatory, of ten thousand for the erection of a President's house, a donation of fifty thousand dollars for practical instruction in the sciences, a bequest of fifty thousand for the aid of beneficiary students to take effect hereafter, and another bequest of more than three hundred thousand dollars, one-half of which at a future day is to redound to the use of the University.

While these contributions do honor to the memory and character of those by whom they were made, they are at the same time a tribute to the fidelity and trustworthiness of those who received them; and an acknowledgment of the value, the success, and fair prospects of the institution over which they presided. They are certainly a proof of an entire confidence, not only in the men to whom these munificent gifts were immediately entrusted, but in the organization and stability of the Board, to whose management the donors believed them to be forever consigned.

The result of the whole is before the public. The position of the College, inadequate as are its funds for carrying out its comprehensive purposes, speaks strongly for the labors of love conferred upon it from so many quarters, for the successful efforts of its immediate guardians and its able professors, for the favorable opinion entertained by so many intelligent patrons, and for the general approbation of its system of instruction, indicated as well by the growing number of its pupils, as by the course pursued at nearly every other college in the country, where the same kind of instruction is given, in the same way, and with similar views of its utility.

It is for the Legislature to decide, whether anything more or better could have been reasonably expected from Harvard College, during the last forty or fifty years, than it has actually accomplished. Could its education have been advanced beyond its present point, even if such advance were proved to be desirable; or could its number of pupils have been expected to be larger, without further pecuniary aid for that special purpose? Could a greater confidence have been shown in the character and merits of the College by a discerning and liberal public, or could a more successful fidelity in the preservation and man-

agement of its resources have been exercised by a body of men under any organization during so long a period? Will it not be conceded by every one, that a more prompt and efficient response to what was regarded by many as the voice of public sentiment could not have been made, than has repeatedly been done by introducing important changes in the modes of instruction, and valuable additions to the subjects taught? And is not the organization of the institution, after a trial of two centuries, entitled to the approval and respect of the people of Massachusetts for the results it has produced, and for the pledge it affords, by these results, of a constant improvement commensurate with the progress of the country?

It seems to have been taken for granted by the Committee, that, if the Legislature had the legal and constitutional power to change the organization of the College, or, in other words, to effect a radical alteration of the Charter, they would undoubtedly do so as a matter of expediency. The facts briefly enumerated above are confidently appealed to, as showing at least the great improbability, that any other mode of governing the College would have produced a greater amount of good to the community, or have been more entitled to the entire approbation of the Legislature, than the one which has been established and practised for so long a time. Change is not always improvement, and it is seldom apt to be such, when a system which has stood the test of experience, fulfilled all reasonable hopes, and secured from its agents a faithful discharge of duty, is unhinged and deranged by theoretical amendments.

The predecessors of the present board of President and Fellows have been well known to the public; their character and intellectual qualities have placed them high among the first men of Massachusetts. Better men could not have been found to administer any system, for the plain reason that there were no better; and if they have failed to answer the expectations of the people, it may safely be affirmed, that these expectations are not likely to be answered by novel devices or untried forms. We can perceive no such virtue in mere organization, as the Committee would seem to imagine. Every system, whatever its organization, must be entrusted to individuals, and be executed by them, according to the measure of their judgment and ability. The best feature in any system is that, which secures

a judicious selection from the best men for carrying it into effect. If the past history of the College proves that object to have been attained, for a long term of years, nothing higher can be reached, and the motive for change does not exist.

II. We now pass to the second general topic of the Committee's Report, the proposed alteration of the Charter, by enlarging the number of members in the Corporation, and providing for their election by the Legislature.

The present Board consists of seven members, including the President and Treasurer; and vacancies are filled by the Board itself, subject to the negative of the Overseers. Not satisfied with this number, the Committee recommend fifteen, without assigning any special reason for their choice; and they propose that one-third of this number shall be elected by the Legislature every two years, thus making the term of office for each member six years; except the President and Treasurer, who, in regard to the mode of their election and tenure of office, are left on the old basis.

Since there is no magic in numbers, it is not probable, that, if a new charter were now to be granted, any person would insist that seven individuals constitute the precise and only number to which so high a trust can safely be committed. We are contented with this number, because it has proved itself perfectly adequate to every purpose for which the Board was constituted; and we prefer to retain it, because change in a long and well established usage, when its practical results have been all that could be desired, is always of doubtful issue and hazardous, and because there are substantial reasons why the duties now incumbent on the Board can be better performed by a small number than a large one.

By far the most weighty and responsible trust reposed in the Corporation is that of the funds. The entire history of the College proves this trust to have been scrupulously and most satisfactorily fulfilled from its very foundation. The Committee of the State Convention in 1821, appointed to report on the constitutional rights and privileges of Harvard College, looked carefully into this matter. They say, "As to the care and management of the funds, it is believed to have been cautious and exact, in a very high degree. No delinquency, to the amount of a single shilling, is known to have existed in any member of

the Corporation, or any of their agents or servants, from the time of the first donation, in 1636, to the present moment." This language is strong and conclusive, and it may be applied with equal force to the period of thirty years since the report was made.

The exactness with which even small sums have been preserved, and appropriated to their precise objects, is remarkable. The whole amount of the donations for beneficiaries yields an income at present of nearly fifteen hundred dollars, which is annually divided among meritorious and indigent students. This amount is composed of thirty separate donations, made at different times; the first of them just two hundred years ago. Five of these donations remain at the same amount as when they were originally given; each of the other twenty-five has considerably increased. If the examination were extended to the larger grants, the results would be equally favorable. And it is a matter of just surprise, reflecting the highest credit on the Corporation, that, while for a hundred years in the colonial times and during the revolution, the currency was in a state of constant and extreme fluctuation, the integrity of the College funds should have been preserved with so much exactness. Is it likely that fifteen men would have done the business better? More entire success they could not have attained.

No maxim in human affairs is better established, than that men acting together in important trusts will feel their responsibility in proportion to the smallness of the number of those with whom it is to be shared. On this principle we may probably account, in great part, for the excellent management of the seven men, who have been responsible for the College funds. All these men have stood prominently before the public, and each has regarded his personal character and reputation as deeply involved in the direction of the affairs submitted to the counsel and guidance of the Board. Moreover, they have had no private ends to answer, no compensation for their services, and no opening prospect of future advancement or benefit arising from any plans they might devise, or any measures they might adopt. If this responsibility had been divided among double the number, no one can suppose that it would have been felt with equal weight by the individual members, or have excited them to the same degree of activity and caution.

In a practical view, also, the number proposed by the bill, selected from various and even remote parts of the State, as suggested by the Committee, would be attended with embarrassment and serious difficulty. The regular and necessary business of the University requires frequent meetings of the Corporation. There is a stated meeting once a month, and on an average a special meeting as often, and sometimes much oftener. Is it to be expected, that fifteen men, scattered over the Commonwealth, or a majority of them, will give their time, and neglect their private affairs, to come to Boston or Cambridge once a fortnight, at their own expense, to attend these meetings? Such a thing cannot be presumed. Meantime, the work must be done; the College cannot stop; neither its pecuniary interests nor its internal operations can be allowed to suffer derangement. The effect would be to entrust the essential business to a committee, consisting of members residing near at hand, who could give their attendance, and of a smaller number probably than that of the present corporation; and when a full board should be occasionally brought together, they would do little more than confirm the acts of their agents. Whether this would be an improvement on the ancient and existing system, the wise can judge.

A reason assigned in the Report for enlarging the Corporation is, that it "would bring to the government of the College a variety of taste, knowledge, and opinion, corresponding to the sentiments of the people of different sections of the Commonwealth." Now, let us ask what is wanted as a preliminary guide for the judicious and effective management of a literary institution. Is it not to ascertain, as far as it can be done by observation, inquiry, and reflection, what is the state of enlightened public opinion on this subject? Is a man, because he is an inhabitant of a distant county, under more favorable circumstances for ascertaining and understanding this point? Public opinion on such a subject is not the local sentiment of a particular district, but the general voice of mankind. What then is to be gained, in this respect, by collecting men together from various and remote parts of the Commonwealth? As to "a variety of taste, knowledge, and opinion," it can scarcely be appealed to as an element of harmony, or a promoter of wise counsels and united action. It is more likely to be fraught

with sectional prejudices, and to breed discord, delay, and confusion. A college system must be uniform, and it cannot be bent to suit the varying opinions and tastes, the social habits, and peculiar desires of all the people in the State, for the obvious reason that these are not the same in different places, nor steady anywhere.

We do not perceive any advantage, therefore, that can be derived from the proposed combination, which is not already possessed; but we can clearly discover many evils with which it must inevitably be attended.

It is made an objection to the present form of the Corporation, that the office is "for life;" and the Committee say, in the same strain of objection, that "perpetuity of office and opinion is contrary to the genius of our institutions." Let us see what has been the official life of the Fellows in the Corporation. What kind of perpetuity have they enjoyed? During the last half century the average term of service in the Board has been ten years and three months. A few have served longer; others for a considerably shorter period; some for one or two years only. The bill provides that the Fellows shall serve six years. Is the difference worth considering?

Again, it has been proved in practice, that new elements have been constantly brought into the Board, thereby introducing a variety of ideas and a renovated spirit of activity. On an average there has been a new member as often as once in two years, being a change of one-fifth of the Fellows. The bill provides for a change of one-third in two years. Is this difference worth considering?

Perpetuity of opinion is a phrase not easily to be defined or comprehended in the present age of intellectual progress and triumphs. It would require something more than the forms of a corporation to arrest the current of opinion, or resist its influence upon the mind. Whatever meaning the Committee may attach to this phrase, however, we have adduced abundant evidence above to show, that the Corporation of the College have adhered to no rigid system of opinions, but have yielded freely to the general sentiments of the community, sought light wherever it could be found, and applied it in every way practicable for the prosperity and continued improvement of the institution. It may safely be asserted, also, that mere organization at the

present day, in these United States, is not a contrivance by which opinions can either be perpetuated or controlled.

The objections to that part of the bill, which provides a remedy for the imaginary danger of the existing mode of filling up the vacancies in the Corporation, by transferring the elections to the Legislature, are too obvious to need an elaborate examination. The great object to be sought, in an election to an office, is to obtain the services of a man, who, by his ability and character, is the best qualified to discharge its duties. If this object is gained, the form of doing it is of little importance; and a small number of electors, who understand the nature of the office, and whose relations to it leave no room for personal bias, is much more likely to make a judicious choice, than a large number entirely unacquainted with the subject. This has been completely verified in the history of the Corporation. The Board has been constantly filled by competent men, discharging their duty faithfully, and commanding the favorable regards of the public. Is it probable that better men would have been chosen by a different form of election?

This matter was doubtless maturely considered when the Charter was made, and there were wise men in those days as well as in later times. A principle so vital as that of the tenure of office, and security for its continuance, could not have been overlooked. And it is remarkable, that, in the six new charters proposed between the years 1672 and 1700, in some of which the Corporation was enlarged, the tenure of office and mode of election were precisely the same as prescribed in the first Charter. This fact would seem to furnish conclusive evidence, that, whatever changes in other respects might have been thought advisable, this particular feature was deemed to be of radical importance. Nor have any facts been produced, from which even an inference could be drawn, that an election by the Legislature, or any other body of men distinct from the Corporation, was proposed.

Furthermore, if the bill were put in practice, it would invade the rights and annul the powers of the Overseers, unless it is intended that they shall confirm the appointments of the Legislature. By the Charter, no election is valid, till it has received the assent of that Board; and, by the rules of the Board, this assent can be given only at a stated meeting of its members, a

majority of whom are chosen annually by the people or their representatives. The Corporation has in effect only a nominating power in the election of its own members, as well as of all other officers. No elections can be made, no degrees can be conferred, without the concurrence of the two Boards. In the exercise of power, the Corporation of Harvard College is under much heavier restraints than is customary in other similar institutions. In Williams College, for instance, and we believe in nearly all the colleges in the country, there is but one board, consisting of members who hold perpetual succession, fill up their own vacancies, make all appointments, and transact the important business, without the control or advice of any other authority.

Since custom and large experience have almost universally sanctioned this mode of constituting college boards, it must follow, that, in the opinion of considerate and practical men, it rests on sound principles, and is, on the whole, the best that can be devised. If it is not free from defects, the same may be said of every other imaginable plan; and it has doubtless been believed, that these are greatly overbalanced by the superior advantages it affords, by the stability and permanence of action which it ensures, and by the steady confidence which it inspires. If the same advantages could be made to result from a different form of election, there might be no harm in the experiment; but even then no valid reason could be given for a change. It is not wise to hazard the loss of a good thing, with the doubtful hope of finding another equally good.

An election by the Legislature, at the short intervals of two years, certainly does not promise the security absolutely essential for the consistent action and permanent success of such a board. If one thing more than another is of vital importance to the prosperity of a literary institution, it is that it should be kept aloof in all its connexions from the agitating influences, which pervade the community from time to time, enlisting men's passions, and often biassing their opinions and perverting their judgment. Looking to experience, and to the nature of our political organization, can any one doubt, that the elections would turn on other points than those of the highest qualifications for the office? Would not each party, as it should have the ascendancy, take care to supply the vacancies from its own

ranks? These questions cannot but meet an affirmative answer in every mind.

What could be hoped from the wisdom or unanimity of a board, consisting of materials so dissimilar as would in this way be soon brought together? With good intentions as individuals, how long would a body of men thus organized, possessing conflicting ideas on many prominent topics, and acting upon different principles in many points of moment, be likely to command the confidence and respect of the public? Fluctuating counsels would lead to feeble measures, and contending opinions would foment discords, and generate instability. Would the sagacious men, who so largely contributed at different times to the aid of the College, have entrusted their munificent benefactions to the guardianship of a board thus constituted?

There is still another aspect, scarcely less unfavorable. Men, who have been elected on political considerations, will easily persuade themselves that they must support their friends; and we shall have professors and other officers chosen under the same influences, till the College itself will become an arena of party conflicts, instead of a quiet retreat for the discipline of youth in the learning and habits, which are designed to qualify them to discharge, in the years of manhood, the duties of good citizens and good men.

But we will not extend our remarks on this point. Its bearings are easily traced, and cannot fail to make a strong impression.

Having thus presented such a statement of facts, and such reasons, as in our opinion render it in the highest degree inexpedient to change the organization of the College government, especially in the manner proposed, it remains only to urge upon the attention of the Legislature, the considerations that arise from the legal and constitutional view of the subject.

III. In regard to the legality of the proposed measure, your Memorialists have given to the act and the Report accompanying it, and also that therein referred to, made by a Committee appointed for the like purpose at the preceding session, (Senate Doc. 158) careful consideration, and respectfully ask leave to submit the following considerations concerning it.

As the act contains no provision making the assent of the Corporation of any consideration, and no communication was made

concerning it to any member of the Corporation, and no opportunity given for any hearing upon the charges made, or the expediency of the change; and the speech, delivered by the Honorable Chairman in support of the bill, indicated that no regard was intended to be had to the assent or dissent of the Corporation, the Memorialists are called upon to consider the act as one intended to be imposed upon them, by virtue of the absolute power of the Legislature, irrespectively of any coöperation or consent on their part.

The act proposed, although entitled an act relating to Harvard College, and purporting to effect merely a change in the number of the corporators, and the manner of their election, is, in fact and legal effect, an act for abolishing the present Corporation by a seizure of its franchise, and a confiscation of its estates, for the purpose of a disposal of them to other persons, at the pleasure of the government. It is an act to enforce upon the Corporation a charter essentially and most materially differing from that, under which its estates have been acquired, held, and managed for two centuries; under which public and private donations, to an extent wholly unapproached in any other like institution in this country, have been made, with constantly increasing liberality and confidence, to the present day; and under which the College has maintained a uniform and unquestioned rank, in regard to its means and standard of education, certainly not surpassed by that of any other on this side of the Atlantic.

Your Memorialists, as the trustees and representatives of the College, have legal rights to this Charter; and under it have acquired and are the sole owners of the estates held by them for the purposes prescribed by it. The proposed act, if passed, will deprive them of both. It abolishes the Charter held by them, and substitutes another against their will. It seizes the estates from their possession and control, and places them in the hands of other persons, in whose appointment they have no voice. It transfers the right and power of governing the College from those who now hold it, in the manner prescribed by the Charter, to other persons. It takes the management and application of the funds placed in the hands of particular trustees, by the donors, with power to elect their successors, and to whom numerous benefactors have entrusted munificent gifts, in

the faith that such mode of appointment and succession would be perpetual, and commits them to the guardianship and control of persons, to be appointed by those, who may from time to time be members of the Legislature. It annihilates the most important function and duty of the Board of Overseers, by taking from them the power of rejecting persons elected to the Corporation. It is a virtual declaration of forfeiture of a franchise and of estates held under it, without trial or judgment. It is based upon the assertion of power which, if it may effect this change to day, may at any future time make the election of members and officers of the Corporation annual, or make any other change at pleasure. In short, the act is one for the destruction of the existing Corporation, and the organization of another in its place, upon wholly different principles and foundations.

Believing that the Charter of the College was granted and carefully framed for the chief, among other purposes, of giving to it, and the estates that should be granted, and the offices of membership and instruction that should be held under it, that permanency and security from agitations and dangers, by which alone its great and beneficent purposes can be accomplished; and that the generous donations, which constitute by far the greatest portion of its funds, were bestowed upon faith in the perpetuity of the Charter, and that none can hereafter be hoped for, if it be subject to any material alteration without the consent of the Corporation;—your Memorialists confidently trust, that changes so entire as that now proposed will not be made without the maturest deliberation, and a profound conviction of their legality as well as of their expediency; and, in availing themselves of the opportunity thus afforded, of presenting their views upon a subject of such grave importance, beg leave to express their appreciation of that sense of justice, which actuated the Honorable House in permitting them to be thus heard, before passing the decree of condemnation and forfeiture, which the passage of the act must import.

Whatever may otherwise be the demerits of your Memorialists, they entertain a becoming sense of their duties and responsibilities as trustees of a great institution, established for the public good, of high importance to the best interests of the Commonwealth, and which, hitherto, at least, has done much for the promotion of her welfare and glory; and of the respect and deference, which are due to the opinions and wishes of the

people, manifested by their delegates in the Legislature. Nor would they be disposed to oppose any reform thus desired, in the organization of the Corporation, consistent with their convictions that such was required by its interest, and their belief in their obligations to its benefactors, upon any grounds of merely legal right. Although the law deems the franchise of each member of this Corporation a thing of value, and a subject of property, yet there is no member of the Board who does not know that it is a severe burden, for bearing which there is no compensation except a sense of public duty performed, and from which it would be a sensible and great relief to be honorably discharged. But, as trustees of the College, holding its Charter and estates, and as its legal governors under the supervision of the Overseers—which Charter, estates, and government, have been placed in their keeping by virtue of that Charter, to be holden, administered, and transmitted, pursuant to its provisions, and most of which estates were bestowed in the faith that such tenure and administration were unalterable, unless by the consent of the trustees for the time being—your Memorialists would be false to themselves and their trust, should they acquiesce in any change in the Charter, which their own sense of duty and expediency do not sanction. Nor can they be considered wanting in humility, or due deference to the opinions of others, however elevated in rank and power, in thus making their own convictions essential to their assent; since the obligation of judgment and of action, according to their conscientious belief, upon that subject, is one of the first duties required of them by the nature of the trust, and from which they have no honest or honorable escape. With these feelings, and in discharge of this duty, they proceed respectfully to present their views upon the legal question now raised.

The alleged power of the Legislature to enact this bill is represented, in the Report of the Committee, to be derived from two sources; first, the rights of the State as founder of the College; secondly, the rights of the State recognized in the proviso to the first section of the fifth chapter of the Constitution. And the rights of the State as founder are stated to be of two kinds, namely, legislative authority to make all needful statutes for the government of the College; and visitatorial, or judicial authority, to examine the conduct of all persons entrusted with the management of the institution.

These propositions of the Committee, which are stated in their Report so generally as to make it difficult to comprehend their meaning and extent, are, however, more fully developed in the speech delivered by the Honorable Chairman in support of it, and to which reference therefore is necessary, as an exposition of the principles involved in them, and relied upon as authorizing the passage of the bill, and which are summed up in the following manner.

1. The State is the legal founder, having bestowed the first benefaction upon the College.

2. The institution is public, and therefore subject to the public will, which can be expressed only through the Legislature.

3. If the institution, legally considered, be private, the State, as the founder, being immortal, may regulate and govern it, as an individual may regulate and govern his own charity during his natural life.

4. That, in an eleemosynary institution, the law will notice no rights but those of the founder, and therefore, in this case, there is no interest adverse to the interests of the State.

5. That the corporators have no private legal interests in the offices which they hold; that they are the agents of the State for the distribution of its charity, and may be removed at the pleasure of the Legislature.

8. That the proviso in the Constitution of 1780 secures, in the Legislature, power over the Corporation and Board of Overseers of Harvard College, which may be exercised without the assent of any other body.

The sixth, seventh, and ninth are omitted, as immaterial in considering the question of legal right.

Your Memorialists believe, that no more forcible exposition of the principles, that would be involved in the enactment of this bill, could be suggested, than the bare recital of these propositions, upon which the authority of the Legislature to pass it is thus avowedly rested. They are, in express terms, or by necessary implication, that the College has no rights nor property, as against the State; that its officers hold all its estates merely as agents of the State, and subservient to its will; that those estates constitute a charitable fund belonging exclusively to the State, in which no other body or person has any right; and that the Legislature, as the sole expounder of the public will, may

abolish the Corporation, dismiss its officers, take possession of its funds, and dispose of them at its pleasure. It is true, that the report does not contain the direct declaration that the Legislature may convert those funds to purposes other than those of education; and that, in one part of the speech referred to, that power appears to be disclaimed. But it is self-evident that, if the propositions stated in it, as above cited, are maintainable, the State has the legal right to terminate such use of its own property at pleasure, and divert its charitable fund to any other use, which the Legislature may at any time think more conducive to the public good.

Both the Committees, who have had this subject under consideration, have rested upon the history of the College, and of the Colonial, Provincial, and State legislation concerning it, as indicating and illustrative of the powers now claimed to alter the Charter of the College, and control its affairs. But your Memorialists respectfully submit, that they have studied the history of the College, and of the Commonwealth and its past and present jurisprudence, in vain, if the principles upon which such power is asserted have any sanction or foundation in either of them.

The original design of the College is unquestionably found in the Act of the Colonial Legislature of 1636, by which it was resolved to give "£400 towards a school or college; £200 to be paid in the course of the ensuing year, and £200 when the work should be finished; and that the place and manner of building should be determined at the next court;" and, by the consequent order in 1637, that the College should be at Newton, and the appointment of twelve persons "to take order for a College at Newton;" which will stand forever, a monument alike to the piety, intelligence, and patriotism of the founders of the Commonwealth.

The poverty and financial condition of the colony were such, however, that no donation was made in pursuance of this resolve, until after the erection of the College, if it ever was paid; of which, to say the least, there is no proof whatever, unless the gift of the ferry, and the contributions of the colonial government in annual grants, subsequently made, were considered and received as in fulfilment of this promise.

But, in the ensuing year, John Harvard died, bequeathing to

the College his library, then of great value, and one-half of the residue of his estate, which was large for those times. And, with the means thus acquired, and private donations, including a receipt from the ferry, and two rates from Cambridge and Watertown, in 1639, the College edifice was erected; there being no reason to believe that the site for it had been selected until after this bequest; and the first money received and appropriated for its construction, and which approached to nearly one-half of the whole cost, was from the hands of the administrator of John Harvard's estate, from whom was also received the valuable collection of books and manuscripts which first graced its walls, and became the foundation of that library which still continues the most valuable and extensive in the Commonwealth.

Upon knowledge of this munificent bequest, by means of which the colonial government was enabled to commence and carry into effect its generous and patriotic design, they, in token of their gratitude, and in honor of his memory as its efficient founder, immediately ordered that the College should be named Harvard College. No declaration or act could be more expressive or conclusive of the opinion then entertained by the government, or of their design forever to establish the right of John Harvard to be considered the founder of the institution, than this baptism of it with his name. And no man, even upon the definition given by the Committee, had stronger grounds for claiming to be so esteemed. Nor until recent times has his claim ever been questioned. On the contrary, the colonial government, at a subsequent period, in a public address, in the year 1661, expressly designate John Harvard as the principal founder of the College. It might, under other circumstances, seem a needless criticism to add, that the term founder can have no other meaning than that of first or original donor or benefactor, and can with no propriety be applied to any subsequent one.

In 1640, the Legislature granted to the College the ferry between Boston and Charlestown.

In 1642, the first Board of Overseers was created, with powers to make orders and rules for the government of the College, and to manage and dispose of its lands and revenues, and of all gifts to the use of the College, or the members thereof. And, up to the year 1650, the property given to the College was vested in

the colony, and subject to its management and disposal, directly by the Legislature, or through the instrumentality of the Board of Overseers. No power, however, was given to that Board to receive or hold estates given to the College, but merely legislative and ministerial authority over it.

But in 1650 it was thought advisable, as a means, among other purposes, of encouraging donations, and of establishing the institution upon an independent foundation, obviously essential to its progress und usefulness, to make the College an incorporated institution; and the Charter was granted, by which, after reciting that, whereas, through the good hand of God, many well-devoted persons had been and were daily moved to give and bestow gifts, lands, legacies, and revenues, for the advancement of all good literature, arts, and sciences, in Harvard College, and to the maintenance of the President and Fellows, and accommodation of buildings, and other provisions that may conduce to the education of the English and Indian youth in knowledge and godliness, it was thereby enacted, that for those purposes the College from thenceforth should be a corporation, consisting of seven persons, to wit; a President, five Fellows, and a Treasurer, (who were therein named,) with power to appoint their successors, under approbation of the Overseers; and which President and Fellows, for the time being, should, forever thereafter, in name and fact, be one body politic and corporate in law; and should have perpetual succession; and should be called by the name of President and Fellows of Harvard College, and by that name should purchase and acquire, or take and receive upon free gift and donation, any lands, tenements, or hereditaments, (not exceeding a specified annual value,) and any goods and sums of money whatsoever, to the use and behoof of the President and Fellows and scholars of said College; with power to establish a common seal, to appoint officers, and make by-laws, if approved by the Overseers. And by an additional act, in 1657, the power to make by-laws was enlarged, so as not to make the previous consent of the Overseers essential to their validity, making them, however, subject to revision or rejection by that Board.

By virtue of this Charter, the College became a legal being, or person, endowed with powers to hold and manage estates, real and personal, appoint officers, and enact laws, for the accom-

plishment of the purposes of its creation, as prescribed in that instrument; with power of transmitting those powers and estates to other persons, of its own appointment, as members of the Corporation. And the legal title, possession, and absolute control of all the property, theretofore held by the colony for its use, and of all that should be subsequently acquired, became, or was to become, vested in the President and Fellows for the time being, as of the sole estate of the Corporation. They also became invested with all the rights, privileges, and immunities incident to membership of a corporate body, and subject to corresponding duties and obligations, for the fulfilment whereof they were amenable only to the Board of Overseers, and to the general laws of the land. And the State thereby surrendered all right and title to such property, and all power of resuming it, or of interference with those rights, privileges, and immunities, excepting in so far as any right of such interference was reserved in the Charter, or was inherent in the power to enact general laws regulating such corporations.

No change was made or attempted in the Charter, and nothing appears to have taken place indicating any question of its validity, or any interference with the rights granted under it, so far as your Memorialists can ascertain, until after the termination of the colonial government, in 1685, by which it had been granted, excepting the anomalous procedure in 1674, recited in the Report of 1849, by which the Overseers, Corporation, President, and students, were all summoned before the General Court and dismissed with a vote, "that if the College should be found in the same languishing condition at the next session, the President should be dismissed without a further hearing." As the College was then in a state of disorganization, four of the members of the Corporation having resigned their seats, leaving the Board without a constitutional quorum, and it was in utter confusion, and extreme poverty, depending upon the annual grants of the Legislature for daily subsistence, this strange exercise of arbitrary power, as obviously inconsistent with the personal as the corporate rights of the persons summoned, may well be accounted for, without supposing any reference on either side to the legal right of such a procedure; which it is believed that the most strenuous advocate for legislative supremacy would not venture to vindicate on legal principles.

The charter of 1672, also referred to in that Report, contained no material alterations of that of 1650, except by increasing the number of corporators to ten. It was, however, as is conceded, never accepted, or acted upon by the Corporation; and no effort was ever made by the Legislature to enforce it upon them. So far, therefore, as it is to be esteemed a precedent, it is one to the point, that an enactment affecting the charter, not accepted by the Corporation, was considered of no legal validity.

The Report of 1849 states, that, in 1673, "the General Court, by an order, made an addition to the Corporation." And this statement is seemingly much relied upon in that, and in the Report accompanying this bill. Your Memorialists have caused the records of the General Court and of the College to be searched, and are informed that no record of any such order, or of anything done under such an one, can be found in either. And they are satisfied that none such was ever passed. Upon inquiry for the authority, upon which this statement was made, they were referred to a note to the 159th page of first volume of Hutchinson's History of Massachusetts; the same work so emphatically denounced as containing false statements, and false law, in the learned speech before referred to. The note is obviously loose and general, not purporting to be of that specific nature which implies accurate information. It is merely, that, "Under this charter, (of 1650,) the College was governed until the year 1685, when the Colony Charter was vacated; saving that, in 1673, by an order of the General Court *some addition* was made to the number of the Corporation;" this author thus bearing testimony to the otherwise uninterrupted enjoyment of its charter.

It appears plain to your Memorialists, that the historian has, not unnaturally, confounded an order of the Overseers passed in December 1674, and a compliance with it by the Corporation, with a supposed order of the General Court so acquiesced in. It appears as before stated, that the College was in a state of entire disorganization by the resignation of four members of the Corporation, and by the disorders and dissatisfaction which followed. In this state of things the Overseers passed an order, commending to the President and Fellows *then remaining*, that they take care to fill up their number according to their charter, so that their power and privilege, granted by the General Court,

might not be weakened or abated in any kind; and the Corporation proceeded immediately to fill up the vacancies, in the usual regular manner. Indeed, these proceedings of the Overseers and Corporation are conclusive proof, that no such order of the General Court could have been passed, or, if passed, could have been acquiesced in by the Corporation, as otherwise they would have been needless.

Thus it is apparent, that no authority can be found in any action of the Colonial Government, by which the charter was granted, for the claim or right to revoke or alter it. That of the Provincial Government is the next to be considered.

In the great confusion of ideas concerning political and private rights and relations, which was caused by the cancelling of the Colonial Charter in 1684; and the general ignorance concerning corporate rights and privileges, the College being the only Corporation established in the Province, it was naturally to be expected, that great mistakes concerning them would exist, and corresponding irregularities take place in the administration of its affairs.

It appears, indeed, to have been inferred on all sides, that the vacation of the Colonial Charter repealed or abolished that of the College also. Probably upon the same principles on which it was assumed, that all Colonial acts, including even grants of lands, ceased to be valid. Under that impression the rulers of the Colony, both before and for a short period after the granting of the Provincial Charter, so far assumed the control of the institution as to appoint officers for its government. Such were the appointments of Increase Mather, John Leverett, Thomas Brattle, and William Hubbard, mentioned in the Report of 1849. But Mr. Mather, at the time of such appointment, was the acting President of the Corporation, under a previous request of the Overseers; Mr. Leverett was a member of the Board; and Mr. Brattle a tutor in the institution; so that the appointments may well be supposed to have been at the request and not in opposition to the desire of the Corporation. And it is worthy of observation, that these appointments are found only upon the books of the College,—no allusion whatever being made to them in the records of the Civil Government. They were not legislative acts, nor acts of that Government, otherwise they would have been so recorded; but were proceedings of those who were

acting as Overseers or officers of the College government, considering themselves as ex-officio and from the emergency of the case invested with such authority. And the appointment of William Hubbard as rector, which is stated in the Report as if it were a permanent one, was merely for the purpose of presiding upon one Commencement day, President Mather being absent in England; and moreover was made by Sir Edmund Andros, not remarkable for his respect of personal or political rights.

The dissolution of the Colonial Charter of course abolished the then existing Board of Overseers, created by the act of 1642, an essential portion of which had consisted of magistrates holding office only under it. But however misapprehended at the time, viewed in the clear light of more recent jurisprudence it did not vacate the College Charter of 1650; nor abolish the Board of President and Fellows who constituted the Corporation, and who continued to hold its franchise and estates, any more than such dissolution annulled any other grant made by the Colonial Government of lands, or other property, or privileges, liberties, and immunities of any sort to private individuals.

The anarchy of opinion and confusion into which the Colony was thrown by the repeal of its charter, were for a time rather increased than diminished by the Provincial Charter of 1691, which radically altered the political aspect of the Government, and destroyed the foundation upon which the clerical dominion had been established and ruled with almost absolute sway. That charter was sufficient, both by express terms and necessary implication, to renew and confirm the College Charter, if such renewal or confirmation had been necessary; but which necessity, for the reasons above stated, did not exist. As it was desirable, however, if possible to save the College from the dangers with which the new form of government was supposed to threaten it and all the religious institutions of the Province, the Corporation and friends of the College immediately exerted themselves to procure a new charter, which should permanently secure the College in their own exclusive possession and control, independently of all connection with, or interference of, the Government. This was the Charter of 1692, referred to in the Report of 1849, and which was rejected by the Crown.

The government of the College was forthwith organized under

this charter, and acted under it until its rejection in 1696. Upon that event being made known, Lieutenant Governor Stoughton assumed the responsibility of appointing the President, Fellows, and Treasurer, named in that charter, to proceed in the government of the College according to its late rules, until the further pleasure of his Majesty should be made known, or a legal settlement of the College should be obtained; all which is carefully entered upon the College records, and it is evident must have been with the concurrence and consent of those then representing the Corporation. Nor is any allusion to this proceeding found upon the records of the Provincial Government as would have appeared, had it been considered one under its authority, or in the course of its administration.

A further effort was made to obtain another charter, which resulted in the enactment of one by the General Court in 1697; and the members of the Corporation exerted themselves to have President Mather appointed to proceed to England to procure its ratification; in which, however, they did not succeed. This charter was also rejected. Several other efforts were made by the members of the College Government, and its friends, for the procurement of other charters in 1699, and 1700, all of which failed; and the General Court from that period, down to the year 1707, conferred the government upon the persons named in those charters, or upon others designated for that purpose; but always, as it is believed, unless the temporary appointment of Mr. Hubbard above mentioned be an exception, upon the particular friends of the College, and not in opposition to them.

It is manifest, however, that as all these proceedings were, in the understanding on both sides, that the charter of 1650 was vacated by the Province charter, and that the College, therefore, had no corporate existence, or rights; and were also by mutual concurrence of the government of the Province and of those acting as Governors of the College, no argument can be drawn from them in favor of the right of the Government thus to appoint, and act, or interfere with the affairs of the College, in contravention of the rights secured by that charter, if it was in truth still subsisting; nor can they be adduced as illustrative of any construction put upon it by the Government or Corporation; nor as evidence of the admission of any such right of government

or interference. They are entirely irrelevant in any discussion of the constitutional rights of the College under the charter, being based wholly upon its assumed dissolution.

This unfortunate and erroneous belief, of the supposed dissolution of the College Charter, was happily and finally terminated by an act in Council in December, 1707, concurred in by the House of Representatives, and approved by the Governor in the following words, "And inasmuch as the first foundation and establishment of that house, and the government thereof, hath its original from an Act of the General Court made and passed in the year one thousand six hundred and fifty, *which has not been repealed or nulled;* the President and Fellows of the said College are directed from time to time to regulate themselves according to the rules of the Constitution by the said Act prescribed, and to exercise the powers and authority thereby granted for the government of that house and the support thereof."

The College government was reorganized accordingly without delay. A Board of Overseers was assembled at the College according to the charter of 1650; the Corporation was reduced to its original number of seven, including Mr. Leverett, who had been previously appointed President; and his instalment in the office took place with appropriate ceremonies, and the records, charter, seal, and keys were delivered to him. The Corporation thenceforth continued in the uninterrupted and unquestioned enjoyment of their corporate privileges, estates, and powers under that charter, until the dissolution of the Provincial Government by the revolution, and the establishment of the original constitution of the Commonwealth in 1780.

The enactment of December, 1707, above recited, was not, as has been sometimes represented, a revival, a reinstatement, or restoration of the charter of 1650, for that had never been legally vacated or annulled. It was merely a declaratory Act of the Government of the Province, affirming its legal existence and validity, and pledging the public faith for its inviolability to those who should rely upon it in the making of contracts, or the bestowment of donations for the advancement of learning and religion, which the law holds to be in the nature of contracts.

But if the legal validity of the charter of 1650 could be considered as doubtful, or reasonably denied at the time of the passage of that act, your Memorialists respectfully, and with entire

confidence, submit, that such a declaratory enactment by the Government in confirmation of a preëxisting charter, or contract, passed for the purpose of restoring its action, and of inducing officers to resume the duties and trusts which it created and imposed, and benefactors of learning and religion to bestow gifts upon the College for their advancement in the manner provided by it, and upon the faith of its binding obligation upon the State, would have constituted a contract between the State and the Corporation, and those thus contracting with it, which would be equivalent to the regranting of such a charter, and which no subsequent Legislature could repeal, or alter, without the consent of the Corporation. That a private individual, who had thus recognized and confirmed a grant of estates, powers, or privileges previously made by him to trust us for specific purposes, and thereby induced others to convey to them valuable property in aid of their accomplishment, without reserving the power of revocation, would have been thereby forever legally barred from denying the validity of the original grant, and its perpetual obligation upon him, admits of no question; and unless the Provincial Government, and that succeeding it, are to be considered above the laws regulating the obligation of contracts, it is not perceived how the binding force of this act upon them can be reasonably questioned.

The next events in the history of the College were the revolution, which abolished the Provincial Government, and resulted in the establishment of the State Government, under a written constitution, in 1780; and the insertion therein of the Articles relating to the College to be presently considered; during which period of time no change was made or attempted in the College charter. As, however, the Board of Overseers, which had consisted in part of magistrates holding office under the Provincial Government, was abolished by its destruction, it became necessary for the newly created government to substitute another, in the same manner as the Provincial Government had done upon succeeding to the Colonial. But this procedure required no alteration of the charter under which the Corporation was established; being merely an arrangement for the exercise of that portion of the visitatorial power, which had never been vested in the Corporation; nor can it be considered a precedent for the exercise of such authority when such emergency did not exist.

Your Memorialists do not understand that any pretence is made, in any quarter, that the revolution and dissolution of the Provincial Government, and substitution of the State Government, vacated or in any wise affected the charter of the College, or any legal rights originally created by it.

In 1810 the Legislature changed the constitution of the Board of Overseers by an act, which made the acceptance of it by them and by the members of the Corporation essential to its validity, and which acceptance they gave.

In 1812 the Legislature passed an Act purporting to repeal the last named Act, and to restore the former constitution of the Board of Overseers. Against the passage of this act, the Overseers and Corporation remonstrated, as being in contravention of the chartered rights of the College; and reserved the right to test its validity by appeal to the judicial tribunals.

In 1814, and before any measures taken to try the question, the Legislature repealed the act of 1812, and reorganized the Board of Overseers, by an act requiring their assent and that of the Corporation, which were given, and which, with an amendment made by an additional act passed in the year 1834, to go into operation when accepted by the Overseers and President and Fellows of the College, and which was accepted by them, now forms the Constitution of that Board.

In 1820, when the Constitution of the Commonwealth was submitted to the people for amendment, a proposition was made for a change in the Board of Overseers, but was rejected. But none was suggested of any change in the charter of the College. And from that time, until the proposal of the Act under consideration, the College has been in the uninterrupted exercise of its powers and privileges, and in the discharge of the duties prescribed by the charter, without any effort to vary its terms or provisions.

Upon a revision, therefore, of the history of the College, and of the Legislative Acts concerning it, we have seen, that, during the existence of the Colonial Government, from the date of the charter in 1650 to the year 1685, a period of thirty-five years, and one in which, from the nature and necessities of the times, the exercise of arbitrary and unconstitutional power was not infrequent, no one act was done by the Legislature in contravention of the Charter, or for altering its provisions, against the

consent of the Corporation; and nothing in derogation of their rights under it, unless the singular proceeding above recited be so considered, which, as before suggested, it is impossible to look upon as a precedent of the exercise of lawful authority.

That, from the year 1685, when the Colonial Charter was annulled, to the year 1707, being fifteen years after the Provincial Charter was granted, a period of about twenty-two years, it was believed or assumed on all sides, that the College charter was abolished so that the Corporation no longer existed; and that, under that belief, the Government assumed authority and control over the College, not as exercising control over the Corporation created by the charter of 1650, but in a manner inconsistent with the idea of any existing corporate body, or corporate rights, for the purpose of preserving its estates and continuing its usefulness, but that all such acts appear to have been done by the concurrence of those, who were officers under the original charter, and of those subsequently appointed, who were the active friends of the institution, and anxious for its preservation; and not in derogation of any rights asserted by them in its behalf.

That, from the year 1707, and as soon as it was determined that the charter of 1650 was still in existence, until the termination of the Provincial Government in 1775, a period of about sixty-eight years, and one of kingly prerogative, not one change was attempted, nor one act done, in derogation of this charter.

That, in 1780, the chartered rights of the College, and it had none but under this charter, were recognized and confirmed in the fullest manner in the Constitution of the Commonwealth, by articles which still constitute a prominent portion of it; and that, from the revolution in 1775, to the present time, a period of seventy-six years, but one effort has been made by the Legislature, supposed to affect the legal rights of the Corporation under this charter, and this was soon after redressed by legislative enactment recognizing the necessity of its assent to any lawful change of that instrument.

So that, during the whole period of two hundred years, which have now elapsed since this charter was granted, there has been but one solitary legislative Act, which in any point of view can be considered in derogation of the rights of the Corporation under it, and that Act continued for the space of only two years.

And it may well be supposed, that those, who were instrumental in its passage, may have acted under the belief that an act affecting the constitution of the Board of Overseers only, and changing nothing but the mere exercise of a portion of the visitatorial power, could not be considered as infringing in any degree upon the rights of the Corporation, which were created and existed by a wholly distinct and independent charter. And with this, not unreasonable solution of that procedure, the College Charter stands for two hundred years, without any effort on the part of the Colonial, Provincial, Revolutionary, or State Governments to vary its terms, or derogate from the rights granted under it in any one instance.

Upon the history, therefore, of the College and of the Legislative proceedings concerning it, if that is to be considered as proof, or illustrative of the powers of the government over it, further comment is needless.

In regard to the legal positions taken by the Committee, as exhibited in their Report, and the speech in support of it, delivered by the Honorable Chairman, those resting upon the alleged rights of the State, as the founder of the College, have been stated; and the recital of them might be thought their sufficient refutation, to those conversant with the jurisprudence upon this subject. But their highly respectable authorship, and the confidence with which they were urged, seem to demand a more particular consideration.

That the State was the founder of the College in the strict legal sense of the term, as having endowed it with legal existence, is undoubtedly true; and in the same sense it is the founder of every incorporated institution within its boundaries. Nor can your Memorialists be supposed desirous to derogate in the slightest degree from her honor, whose reputation is as dear to them as it can be to any of her sons, in questioning the claim made by the Committee to consider her as the founder, in the sense in which they assert that she was, namely, as being the first benefactor or first giver of its revenues. It is true, that some eminent men and jurists have so considered and described her, in allusions to the history of the origin of the College, obviously in reference to the order of 1636, by which the Colonial Government agreed to give four hundred pounds for its establishment; and not probably knowing, that this agreement was

never specifically fulfilled; or, if so, not until after the donation of Mr. Harvard had been made, and expended as the first means of establishing and erecting the edifice of the College. It is obvious that the mere entry of such an order upon the records of the Colony formed no contract with any one, for no other party was in existence with whom such a contract could be made. It was merely a legislative resolve of what was expedient to be done for the public good; and which, while it proves the liberal and enlightened policy of its authors, might have been at any time with perfect right and justice revoked by them, without cause of complaint to any one. At the time of the bequest of John Harvard it was nothing more than an unexecuted resolve, of great, and perhaps of vital importance to the establishment of the College, as an assurance of public favor and support, and thereby inducing private individuals to endow it; but still not an actual gift, by which the College acquired any absolute estate, or fund, or means of subsistence. And history shows, that the first gift of this character, actually made, and which was sufficient to secure its immediate establishment, was that of John Harvard.

Under these circumstances, and under the sanction of the contemporaneous legislation of those who passed that resolve, and who so emphatically declared their understanding that he should be considered the founder by immediately bestowing upon the institution his name, and who, eleven years afterwards in a public memorial, declared him to be the principal founder, your Memorialists respectfully submit, that he is to be considered the founder, or first giver of its revenues; and that, in so far as this consideration may be of any moment, the founder was a private individual, and not the State.

But although the Memorialists deem it proper thus to set forth the claims of this good man and chief benefactor in the cause of learning, at the first establishment of the Commonwealth, to be considered the founder of the College, in justice to his good name and the cause of truth, yet in their judgment it is of no moment in the consideration of the legal question before the Honorable House, inasmuch as if it were conceded, that the State was the founder, in the manner supposed by the Committee, that circumstance would not import any power in the Legislature to enact this bill.

The inferences deduced from this supposed relation of the State to the College, that the State as such founder has legislative power to make all needful statutes for the government of the College, visitatorial and judicial power over its officers and administration, and power to prescribe the statutes of its foundation, and from time to time to alter the same, provided it does not impair the vested rights of any person, are, as your Memorialists humbly conceive, errors occasioned by confounding the original right of a founder of a charity to prescribe the terms and tenure of the grant establishing it, with those which may remain in him after its execution, and an acceptance of it by the grantees.

The general proposition of law, upon which these claims are understood to rest, is, that the State has the right to enact this bill, as founder of the College, possessing all power necessary for that purpose by virtue of that relation alone.

There is no doubt that the founder of a charity has the right in its creation to prescribe the terms and tenure upon which it shall be held, and the statutes by which it shall be governed, and to reserve the power of altering them from time to time; as also general legislative and judicial authority over the trustees, with power of removal and substitution, provided that such terms, tenure, and reservations be not repugnant to the general law. Nor can it be doubted that, if the grant be general in its terms, for the purposes of the charity, without prescribing any terms upon which it shall be held and managed, such general legislative and judicial power will remain in the founder, to be exercised at his pleasure; nor that, if the whole tenure and government are not granted to the trustees or other persons, the portion not thus parted with will remain in him. And any power thus expressly or tacitly reserved in the founder is called visitatorial, and may remain in him, or be at any time granted to other persons; and it constitutes a valuable estate, or property, recognized as such in Courts of Law and Equity.

But it is no less clear, that if, by the terms or nature of the grant, the founder has prescribed the tenure upon which the trust shall be holden, and the rights, powers, and duties of the trustees in the administration and perpetuation of it, and of those for whose benefit it shall be maintained, and has committed its entire management and government to the trustees solely,

or in connection with other persons, without reservation of any right to vary such tenure, terms, rights, powers, duties, government, or beneficial interest; and the grantees have accepted the grant, and entered upon the administration of the trusts; the founder has thenceforth no legal power, or right whatsoever, to revoke or alter the grant, or any power, duty, trust, interest, liberty, or estate created under it, or to interfere or intermeddle therewith, any more than would have any entire stranger to it; and that, where the whole right of government and perpetuation is vested in the trustees alone, no visitatorial power whatsoever remains in the founder; and none exists anywhere, excepting that which is common to the State over all eleemosynary institutions, under the general laws relating to them, to examine by its judicial tribunals whether the true objects of the charity have been kept in view and faithfully pursued, and its funds rightly administered.

In such case the grant is an executed contract between the founder and the grantees, and those for whose benefit it is made, which he can neither rescind, nor vary, nor impugn, without the consent of all.

These are now established elementary principles of law upon this subject, admitting of no reasonable question; and they cannot be subverted or violated without hazarding the destruction of all the charitable institutions within the Commonwealth, and forever shutting off those streams of benevolence and enlightened liberality by which the wants of learning and science, and of suffering humanity, are now chiefly supplied.

In order, therefore, to ascertain whether the State (admitting it, for the purpose of this inquiry, to be the founder,) possesses the power to pass this Bill, resort must be had to the grant contained in the charter, to determine whether it was thereby reserved, or remained in the State, because not expressly parted with.

Its provisions have been recited above, and by them it appears that the State did part with all the power, which it might otherwise have retained as founder, of making the change in the organization and government of the Corporation now proposed. The charter was an express grant to seven persons therein named, as President, Fellows, and Treasurer of the Corporation, of all the privileges, liberties and immunities of the Corporation in per-

petual succession, and gave to them the sole power of appointing their successors forever, subject only to confirmation or rejection by the Overseers. It granted to them and their successors so appointed the right to acquire and hold all the real and personal estates of the Corporation, to the use of themselves and the scholars of the College. It gave to them the sole power of appointing all the officers and servants of the College, and vested in them the exclusive right of enacting rules and laws for its government, and of administering them, subject only to the approval or disapproval of such appointments, rules, and laws, by the Overseers. In short, the State, by this charter, entirely divested itself of all power thenceforth over the College, visitatorial, or of any other description, and granted it wholly to the Corporation and Overseers, *unless* the Overseers are to be esteemed the mere agents or representatives of the State, in the exercise of that portion of visitatorial power reserved to them, subject to such alterations of the Board as the Legislature may see fit to make; in which case such portion might be considered as reserved to the State; but it falls far short of any power to authorize the enactment of the proposed Bill; and can by no possibility extend further than the modification of the agency, which is to exercise this power of confirmation.

But the legal nature and effect of such a charter do not rest upon these elementary principles of law, however generally recognized, but are established by the highest judicial authority known in this country, which has decided that such a charter constitutes a contract between the State and the Corporation created by it, and those entitled to beneficial interests under it, and those who shall have bestowed their bounty under it, and those in possession of its franchise and estates, sacred and inviolable; and which the State has no legal power to revoke, alter, or impair, without their consent, and the consent of all, of whom the holders of the franchise are the lawful representatives.

Another view, however, has been taken upon this subject, which your Memorialists are compelled to submit for consideration, for the reason that, although not alluded to in the Report of the Committee, it forms a prominent topic in the speech delivered by the Honorable Chairman in support of it, and must therefore be considered one of the positions relied upon in

recommending the passage of the Bill, and upon which the power to enact it is supposed to rest.

It is said that Harvard College is a public Corporation belonging to the State, that the corporators are merely servants or agents of the State, and that there is no contract under the charter, because the State is the only party having any interest, and no one has authority to appear to contest her rights. It is true that, in asserting the unlimited power which would seem necessarily to follow from such premises, the proviso was added, that its exercise could not extend to the confiscation or misapplication of the funds of the College. But such proviso is plainly inconsistent with what must be the inevitable legal conclusion from the positions taken, if they are sound, and is therefore a virtual surrender of them, if it means anything.

The whole basis of this position is stated to be the circumstance that the State was the founder of the College. It was expressly conceded that, if John Harvard was the first benefactor, or founder, the College would be a private Corporation, and the Legislature would have no constitutional power to pass this Bill. But it is alleged that, as the State was the founder by the gift of the public money, this is a public charity, and the College is a public Corporation, and therefore entirely at the control and disposal of the Government.

Your Memorialists are unable to find any authority for such conclusions, in any principles of law or judicial precedent with which they are conversant; but are constrained to consider them alike inconsistent with both.

In one sense, indeed, all Corporations established for charitable purposes, to the benefits of which the public are entitled, upon or without prescribed terms, are denominated public, as are many others in which the public are interested; but all of which, legally considered, are strictly private.

In correct legal description, those only are public corporations which are founded by the Government for political or public purposes, where the whole interests and franchises are of the exclusive property and domain of the Government itself, as incorporated cities, counties, and the like. But all eleemosynary corporations, such as Colleges, Hospitals, and similar institutions, holding property in their own right, with power to dispose of it

for the purposes prescribed by their charters, under the control and management of their officers, are private Corporations, from whatever sources they may have derived their funds.

Public corporations, properly speaking, are for the purposes of civil government or political arrangement, and are of course under the control and subject to the will of the government thus creating them for its own purposes. But eleemosynary corporations, for the purposes of education, or relief of individual suffering, by the administration of funds belonging exclusively to themselves, in the manner pointed out by their charters, are private. The tenure of their property, and the right of administering it, are, in the strictest sense of the law, private. The members of such corporations have private rights and privileges. They have the sole right of possession of the corporate funds. They have the exclusive right of administering them, and the power of governing, ordaining rules, and appointing officers and servants, if it has not been reserved or given elsewhere. These are all clear, distinctly recognized private legal rights, in the enjoyment of which the corporations and their individual members have a right to the protection of the law, and from any violation of which the law furnishes specific remedies. In the language of an eminent jurist, "the privilege of being a member of a corporation under a lawful grant, and of exercising the rights and powers of such membership, is such a privilege, liberty, and franchise, as has been the subject of legal interest from the time of Magna Charta to the present moment." Every member of such corporation has a franchise; it is his private right; and he may have an action at law against any one who may disturb him in the enjoyment of it.

The very purpose of a charter establishing an eleemosynary corporation, and bestowing property upon it, is to make and keep it private property, with all the security and inviolability incident to such tenure. The obvious purpose of this charter was to divest the Colony of the funds, which it then held for the benefit of the College, and to establish a legal private ownership in the Corporation, who, by exercise of the powers granted, might hold and protect it, and all that should thereafter be given to them, for the exclusive benefit of those for whose use it was designed. No terms more explicit and unequivocal of such intention can be devised, than those contained in this instrument,

which declares that all property received or acquired under it shall be "holden to the use and behoof of the said President and Fellows, and the scholars of said College."

The President, Professors, and Tutors hold their offices under the appointment of the President and Fellows, and in the first instance are accountable to none else, and can be removed by no one else. They accepted their offices by this tenure, and have corresponding private legal rights. The Corporation is the trustee of the private rights of all the benefactors of the College, and under contracts with them for the faithful administration of their bounty; and trustee, also, of the beneficial interests of the scholars, who have no other representative or protector thereof.

By the eloquent recital in the charter, inviting and inducing patrons of learning and religion to bestow gifts upon this institution for their advancement, and by the provisions subsequently set forth to assure them of its safe keeping and proper administration, there arose an implied contract, on the part of the Government, with every benefactor, that, if he would give his money, it should be deemed a charity protected by the charter, to be administered by the Corporation, according to the general law of the land. As soon, then, as a donation was made to the Corporation, there was an implied contract, springing up and founded on a valuable consideration, that the State would not revoke or alter the charter, or change its administration without the consent of the Corporation. The Government, by thus inducing benefactors to endow the College, have contracted to give perpetuity to their benevolence, in this form, and in this stipulated manner of exercising it. And they have corresponding private rights.

A grant by the State, with or without consideration of any property, right, liberty, or franchise, is as binding and irrevocable as a similar one made by an individual; and the tenure and rights of the grantee are determined by the terms and declared purposes of the grant, without reference to the character of its author.

A state may dispose of its property for charitable purposes, as well as for those of any other nature for which the grantee may desire or take them; but, when it has been thus disposed of, the state ceases to be the owner, and the grantee becomes such in

its place, and with no other accountability than that reserved or created by the grant.

The position taken, that, because the State makes the first donation for the establishment of an eleemosynary corporation—which, by the express terms of its charter, is expected to depend chiefly upon private endowments, and which is vested with absolute power to receive and hold them exclusively to its own use, for the purposes of its creation—it thereby becomes a public Corporation, a mere servant or agent of the public; and that all its funds, however acquired, thus become public property, in which no one but the State has any interest, and that it has no legal rights against the State;—is one which your Memorialists cannot fear will find any favor with the Legislature or people of this Commonwealth. And, on this point, they have only to add, that, if doubt could otherwise exist upon it, they are sustained by the judicial authority of one of the most eminent jurists of this or any other country, in a recent decision, as well as by other authority coeval with the date of the charter.

The remaining ground, upon which the assertion of lawful power in the Legislature to enact this bill rests, is the proviso at the close of the third article in the Fifth Chapter of the Constitution; to a correct understanding of which, a recital of the three articles is necessary. They are as follows:—

"Art. 1. Whereas our wise and pious ancestors, so early as the year 1636, laid the foundation of Harvard College, in which University many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in Church and State; and whereas the encouragement of arts and sciences and all good literature tends to the honor of God, the advantage of the Christian Religion, and the great benefit of this and the other United States of America; it is declared that the President and Fellows of Harvard College in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed

unto them, the said President and Fellows of Harvard College and to their successors, and to their officers and servants respectively forever.

"Art. 2. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made either to Harvard College in Cambridge in New England, or to the President and Fellows of Harvard College, or to the said College by some other description, under several Charters successively, it is declared, that all the said gifts, grants, devises, legacies and conveyances are hereby forever confirmed unto the President and Fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Art. 3. And whereas, by an act of the General Court of the Colony of Masssachusetts Bay, passed in the year one thousand six hundred and forty-two, the Governor and deputy Governor for the time being, and all the magistrates of that jurisdiction, were, with the President and a number of the clergy in the said act described, constituted the Overseers of Harvard College; and it being necessary in this new Constitution to ascertain who shall be deemed successors to the said Governor, deputy Governor, and magistrates; it is declared, that the Governor, Lieutenant Governor, Council and Senate of this Commonwealth are and shall be deemed their successors; who, with the President of Harvard College for the time being, together with the ministers of the Congregational Churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said Act, shall be and hereby are vested with all the powers and authority belonging or in any way appertaining to the Overseers of Harvard College; *provided*, that nothing herein shall be construed to prevent the Legislature of this Commonwealth from making such alterations in the Government of the said University, as shall be conducive to its advantage and the interest of the republic of letters, in as full a manner as might have been done by the Legislature of the late Province of Massachusetts Bay."

It is to be observed that the first two articles relate exclusively

to the Corporation, consisting of the President and Fellows of the College, and contain a full and emphatic recognition and confirmation, to them and their successors forever, of all their powers, authorities, rights, privileges, immunities, and franchises, and of all the estates vested in them by virtue of conveyances, gifts, or devises, at any time theretofore made; and that the third Article relates exclusively to the Board of Overseers, which it was necessary to reorganize and reconstruct, by reason of the substitution of the State for that of the Provincial Government; unless the proviso at its close is to be construed as extending also to the first and second articles. And further, that, at the time of the adoption of the Constitution, the only charter under which the Corporation was organized and acting was that of 1650.

The first two articles were prepared by the Corporation, and approved by the Overseers, and by their concurrent action presented to the Convention then preparing the Constitution, and were adopted without amendment. The third originated in the Convention.

In order to establish the power of the Legislature to pass the proposed bill, as resting upon that proviso, it is obviously necessary to show that the Provincial Legislature possessed constitutional authority to abolish or alter the Charter of the College at pleasure, as it might from time to time think expedient.

Of the existence of such authority, as founded in the principles of law, the Memorialists think it needless to make any further suggestions. The Committee, however, seem to rely greatly upon the legislation of the Province, as evidence that such authority did exist, and refer to the history of it, as contained in the Report of 1849, for that purpose.

Without further comment upon the principle substantially put forth by both Committees, that legislative action is conclusive proof of constitutional power, than merely to express the dissent of your Memorialists from the doctrine, in which their concurrence might be otherwise inferred, they respectfully submit that the history of the legislation of the Province, in relation to Harvard College, affords no pretence for maintaining that its Legislature ever exercised or claimed any right to rescind, alter, or impair its Charter, or to do anything in derogation of the powers, privileges, or immunities claimed by the Corporation under

it; but, on the contrary, that, so far as any inference is to be drawn from such history, it is decisive against any such claim.

By that history it is found that, after the irregularities that had taken place in consequence of the repeal of the Colonial Charter, and by reason of the temporary misapprehension that the College Charter was also thereby annulled, and in which mistake and irregularities both the Legislature and the Corporation were parties, acting in mutual and friendly concert, the Legislature, upon revision of the subject, and for the purpose of a permanent correction of the error, and of terminating such proceedings forever, passed the solemn declaratory enactment of 1707, above recited; recognizing the Charter of 1650 as being in full force, and as not having been repealed or annulled; and directing the President and Fellows to regulate themselves according to its rules, and to exercise the powers and authority thereby granted. And that, in pursuance of that enactment, the Corporation was reorganized under that charter, by the Executive, with grave formalities, expressive of the sense entertained by the government of its importance, and the rights of the Corporation under it. This order of things continued during the remaining existence of that government, a period of nearly seventy years, without a single act, vote, or resolution, by the Legislature, tending in the slightest degree to alter or impair the charter, or to indicate the least claim on the part of the Government to do so.

And your Memorialists respectfully suggest, that, when it is remembered that in the period which had intervened between the vacation of the Colonial Charter and the date of this enactment, the Provincial Legislature had created several new charters, and which, if lawfully enacted, must for the time being have virtually repealed that of 1650, being of legal operation and effect until disallowed by the Crown; this act was, in effect, a disavowal of their legal authority to create those charters, and an express recognition of the inviolability of that of 1650.

But, in whatever other light this act may be viewed, it certainly removes any pretence that otherwise might be made for construing the preceding legislation, in reference to the College, as founded upon any claim of power to alter or impair the Charter of 1650; and no such claim can exist, derived from any subsequent proceedings of the Provincial Legislature.

Upon this point your Memorialists have only to add, that, upon inspection of this Chapter of the Constitution and application of the ordinary rules of legal construction, they believe that the proviso in question should be confined entirely to the third Article, of which it forms a portion.

That Article created and relates to a supervising body entirely distinct from and independent of the Corporation of the College, the construction and organization of which, being dependent upon the form of government for the time being, had undergone changes corresponding with those which had taken place in the political constitution of the State, and which would necessarily become in like manner subject to alteration, conforming with any which might subsequently occur. Such a proviso, therefore, in reference to a body which had been the subject of previous legislative alteration, might be of very reasonable and natural adoption. And the circumstance that it forms a portion of the whole and single paragraph relating to the Board of Overseers only, without the intervention of a period, and separated from other portions only in the same manner in which all are separated each from the others, is not unworthy of consideration in a question of legal construction of a written instrument. And, as has on another occasion been stated, the annexation of this proviso to the first and second Articles, if it is supposed to contain or imply power to take away, alter, or impair the chartered rights, liberties, immunities, and franchises therein enumerated, would be to render those articles little if anything better than idle words.

Your Memorialists have forborne reference to other legislative proceedings, which would tend, in their judgment, to confirm them in the position which they have thus taken, being satisfied to rest them upon acknowledged principles, and the history of the proceedings of the Colonial, Provincial, and State Governments, above set forth.

In conclusion, your Memorialists trust that, in discharging their duty to the College in this plain statement of their understanding of its rights and interests, they have said nothing that will be thought inconsistent with the respect they entertain for the Honorable House, or that deference to any opinion which it may entertain in regard to the government of an important institution committed to their care, in which they have no interest

other than that in common with all lovers of learning and science throughout the Commonwealth.

All which is respectfully submitted.

JARED SPARKS, *President.*
LEMUEL SHAW,
JAMES WALKER,
CHARLES G. LORING,
B. R. CURTIS,
SAMUEL A. ELIOT.

January 14*th*, 1851.

REPORT

OF A

COMMITTEE OF THE OVERSEERS

AND

MEMORIAL OF THE CORPORATION

OF

HARVARD COLLEGE,

ON THE

RELATIONS BETWEEN THE THEOLOGICAL SCHOOL AND THE COLLEGE.

BOSTON:
PRINTED BY JOHN WILSON & SON,
22, School Street.
1852.

IN THE BOARD OF OVERSEERS,

January 22, 1852.

Ordered, That Messrs. Ellis, Phillips, Stearns, Hill, and Alvord, be a Committee to confer with the Corporation of the College upon the relations now existing between the Divinity School and the two Boards of Government; and to report to the Overseers, whether any joint action, by petition to the Legislature or otherwise, be necessary or advisable on account of any embarrassments that now attend, or at some future time may grow out of, these relations.

IN THE BOARD OF OVERSEERS,

March 4, 1852.

Ordered, That the Report of the Committee on the relations of the Divinity School to the College, and the Memorial of the President and Fellows on the same subject, be printed for the use of the Board.

Attest,

ALEXANDER YOUNG,

Secretary.

REPORT.

TO THE HONORABLE AND REVEREND,

THE BOARD OF OVERSEERS OF HARVARD COLLEGE.

The Committee appointed "to confer with the Corporation of the College upon the relations now existing between the Divinity School and the two Boards of Government; and to report to the Overseers, whether any joint action, by petition to the Legislature or otherwise, be necessary or advisable on account of any embarrassments that now attend, or at some future time may grow out of, these relations," respectfully report, —

That they have conferred with the Corporation, and are happy to be able to say in the outset, that, while the members of the Committee perfectly accord among themselves in their views of the subject committed to them, they also found those views to be in harmony with the opinions and wishes of the honored gentlemen, who, as President and Fellows of the College, are the more immediate guardians of its interests.

As the results of this conference, so far as the Corporation are concerned, will most properly appear in a communication which they propose to make to this Board, and as to the Corporation likewise belongs the initiative in all measures like that which, as your Committee hope and

advise, may be the issue of the matter that has engaged our inquiries, we would respectfully refer to that intended communication for such information and suggestions as the President and Fellows of the College, on their part, may see fit to offer.

From the point of view in which we have looked at the subject, we think that we shall discharge the duty committed to us, by presenting, as the result of our deliberations, a few brief remarks, embracing facts and opinions, upon the origin of the Theological School; upon its relations to the College and the State, and the embarrassments which attend those relations; and upon the present condition and wants of the School; and by offering a suggestion of some method for meeting the difficulties which may be made to appear.

It is remarkable that an Institution like Harvard College, founded by the Fathers of Massachusetts with a religious intention, and two of whose mottoes, as inscribed upon its seals, look to a Christian dedication, should, for nearly two centuries, have been without any specific provision for the education of ministers for the churches. Though a main design of the College was to raise up a learned ministry, and the inference was that its whole instruction would conduce to that end, — an inference well warranted by the result, — no endowment was made for that distinct purpose. Neither the Colony nor the Province made any such provision, nor has the State ever bestowed any funds for that intent. All the means which the College now possesses for imparting a theological education are of quite recent origin, and were bestowed by private munificence. This fact, however, has an aspect favorable to the measure which your Committee are to recommend.

Resident graduates of the College, and others not graduates, had, for a long period, pursued studies preparatory to the ministry, with such incidental helps as Cambridge afforded by its academic instructors and its library, beyond

what might have been found, had they availed themselves of the more common alternative of residence with a settled minister.

The foundation of a distinct Theological Department in the University was the result of measures instituted by the Corporation. Under date of Harvard College, Dec. 18, 1815, a public circular was issued, signed by JOHN T. KIRKLAND, President, in behalf of the Corporation, with the assent of the Board of Overseers; from which the following is an extract: —

"The Corporation of Harvard College have thought it their duty to adopt measures for increasing the means of Theological Education at the University. In order to enable students in Divinity to reap the benefit of the eminent advantages which the College possesses for this purpose, there is need of funds for assisting meritorious students in Divinity, of limited means, to reside at the University for a requisite time; of one or more Professors, whose attention may be exclusively given to this class of students; and of a separate building.

"The Corporation are disposed and determined to apply the resources of the College to this object, as far as other indispensable claims admit. But, these resources being entirely inadequate to the accomplishment of their views, they feel it incumbent upon them to call upon the friends of the University and of the Christian ministry to co-operate with them in this interesting design.

"As the best method of obtaining the assistance of the liberal and pious, it is proposed to form 'a Society for the Education of Candidates for the Ministry in Cambridge University.'"

After stating the terms of membership of a pecuniary character, and asking subscriptions to the proposed Society, the circular adds, that, after the first Monday of the April following, "the Corporation will call a meeting of the

subscribers, that they may adopt any measures they may see fit for carrying this charitable plan into effect, and, particularly, choose five Trustees to act with the Corporation in the appropriation of the funds."

This appeal of the Corporation, being found to some extent effective, was followed by similar appeals from them, as the necessities of the Institution, which was thus formed, moved them to ask the means for accomplishing its purposes.

The contributors to the funds thus obtained formed themselves into a voluntary society, at a meeting held on July 17, 1816. This organization, under the title of "A Society for the Promotion of Theological Education in Harvard University," then adopted a Constitution, which was approved by the Corporation of the College on July 24, and received the concurrence of the Overseers on the day following. The funds that had been contributed were committed to the College Treasurer. In the last article of this first Constitution, it was provided, that, in the Theological Institution about to be established, "every encouragement [should] be given to the serious, impartial, and unbiassed investigation of Christian truth; and that no assent to the peculiarities of any denomination be required either of the students, or professors, or instructors."

After renewed efforts to increase the funds of the Society, and various changes in its organization and administration, a new Constitution was adopted, Nov. 17, 1824, and submitted to the approval of the Corporation of the College; who, as well as the Overseers, having accepted it by votes passed by them respectively on Nov. 24 and Nov. 25, it took effect on Dec. 15, 1824.

The President, Treasurer, and Secretary of this Society, with five Trustees, constituted a Board of Directors. These five Trustees were united with the President and Fellows of the College, as a joint Board for the administration of

the funds, and for the government of the Institution which they had established. The moneys to be paid by annual subscribers, and all other contributions whose donors should specifically so direct, were to be committed to the College Treasurer, and appropriated by the joint Board just mentioned. Funds thenceforward collected by the Society, not specifically designated for the College Treasurer, should be applied according to the wishes of the donors; and, if unconditionally given, were to be retained by the Treasurer of the Society, and appropriated by its Directors. The provision above recited, to secure perfect religious freedom and impartiality of investigation in the Institution, was retained. It was also provided, that, "if, at any time hereafter, the Society shall think it best to appropriate the funds to be hereafter collected to a Theological Institution disconnected from Harvard College, and if the Directors of this Society and the President and Fellows of Harvard College shall assent thereto, it shall be lawful for this Society to appropriate all the said funds hereafter collected to such other Theological Institution."

An Act for the Incorporation of this Society was passed by the Legislature of Massachusetts, Feb. 15, 1826, to take effect when it should receive the approval of the Corporation of the College. But though the Corporation, as before stated, had accepted the Constitution of the Society, there were apprehensions of confusion and misunderstanding entertained in that body as to the practical workings of a plan which united two corporate bodies in the administration of one Institution. By vote, passed May 24, 1827, the Corporation refused to approve the Act of the Legislature.

After much deliberation, the Corporation of the College, with the approval of the Overseers and to the entire satisfaction of the Society, established a Theological Faculty in the College, with the statutes necessary for its action, Nov. 18, 1830; and the connection between the Society and

the College Boards ceased. The Society, by a conditional deed, transferred all its funds to the President and Fellows of the College. The conditions of this transfer were, that these funds should be applied according to the original intent of the donors; the provision for religious freedom and unbiassed investigation, as above quoted, being strictly enjoined. The funds given before the change in the organization of the Society in 1824 were to be applied to the Promotion of Theological Education in Harvard College; and the funds given subsequently to the change might be diverted to a distinct Institution for Theological Education, at the discretion of the Corporation.

The Society, which had heretofore been instrumental in providing the means for Theological Education, and had shared the oversight and management of the Institution established at Cambridge for that purpose, now changed its title to "The Society for Promoting Theological Education." This new Society was incorporated by an Act of the Legislature of Massachusetts, passed June 21, 1831. It has continued ever since to advance the object for which it exists. Though it has no constitutional or statutory connection with Harvard College, nor with the Theological Institution at Cambridge, its funds have always been bestowed upon the students in that Institution; grants having been made to them, from its income this year, to the gross amount of $1,725. This new Society has likewise been instrumental in obtaining other funds directed for the College Treasury, and to be used for theological purposes, particularly a donation, Dec. 3, 1840, of $10,000, which it was provided should be transferred to a Theological Institution distinct from the University, if such a separation should ever take place.

The agency of these voluntary Societies and of this corporate Society, in the establishment, endowment, or aid of the Theological School at Cambridge, has thus been referred

to by your Committee, as indicating the origin of that Institution and the source whence it has derived its support; and as intimating the continued existence and active agency of a corporate Society, to whose administration the School might be committed as a possible alternative, in case any judicial or legislative process, which should aim at severing the School from the College, should have in view the transfer of its funds and of its administration to any other proper substitute for its present guardianship.

The Corporation and Overseers of the College having thus assumed the entire administration of the Theological Institution, it has ever since been a component part of the University; and its relations to the two Boards of the College Government are, of course, the same as those of the other departments or professional schools of the University. The Corporation nominate its Professors, subject to confirmation by the Overseers. One of the two Divinity Professors is also Hancock Professor in the College; and both of them serve the College in the religious exercises of the College Chapel. Thus the two Divinity Professors are remunerated for their services, in part from the specific funds of the Theological Department, and in part from the other funds of the College.

Through the relation of the Theological School to the College, it is brought into a certain connection with the State, which now, through its Legislature, elects thirty of the thirty-seven members constituting the Board of Overseers. However much or little propriety there may be in speaking of Harvard College as a "State Institution," yet the actual relations which always have existed between the successive authorities of the Colony, Province, and State, and which, by an Act of the Legislature last year, are made very definite and direct, require or imply or involve a degree of responsibility, on the part of authorities delegated by the Legislature, for all the concerns of the

University in all its departments. This responsibility, which it might not be objectionable for the Commonwealth to assume for any Institution of a purely literary character, and which has not yet involved any embarrassment as regards the Schools of Medicine, Law, and Science, in the University, is a matter of serious importance as regards an Institution designed for the education of ministers of religion. The Commonwealth being without a State religion, its citizens, being of various religious sects and denominations, all equal in the eye and regard of the law, are all eligible as members of this Board, which, by its official acts, ratifies or annuls the election of the Professors in the Theological School.

The connection thus established between the Theological School and Harvard College, and between the former and the Commonwealth, was, from the very first, a matter of apprehension and regret to some of the friends of both Institutions; and, as we have seen, prospective reference was soon had to the possible event of a separation. When the connection was formed, a constituent and prominent portion of the Board of Overseers was, by statute, composed of fifteen pastors of Congregational Churches, — representatives, in a sort, of the first benefactor, of the early venerated institutors, and of the constant and devoted friends and guardians of the College through its whole history. This clerical portion of the Board, though not according fully in religious sentiment, had, in common, certain traditional and existing sympathies and interests, of a very strong character, and might possibly, by their mutual concessions or by their influence, have relieved the embarrassments which attended the action of the Board in matters involving religious opinions. The present constitution of the Board of Overseers has essentially changed the circumstances, in view of which the Theological School was established.

It was also fondly hoped by the early patrons of the School, that a Theological Department, organized on the broadest basis and with the most liberal provisions, might be associated with the College, without prejudice to the College as a whole, without alienating any of its friends, or opening any disturbing issues among its guardians in their relations to each other, or between them and the public. The founders of the Theological School thought that there was enough of common ground in the occupancy of religious truth to render a Theological Faculty desirable to complete the circle of professional departments in the University, and to invite there students, who, with the best helps which could be afforded them, and unpledged to sect or denomination, should search the Scriptures, and, as scribes well instructed, be prepared to assume the duties of the Christian ministry, wherever the views they should adopt and their own qualifications might make them acceptable.

It entered into the wishes and expectations of the original promoters of the Theological Institution at Cambridge, that young men, brought up under the teachings of various religious denominations, might avail themselves of the advantages intended to be offered there for the thorough study of the Bible and of Christian literature, leaving the biasses which they might have brought with them to be confirmed or yielded up as conscience and inquiry might decide. There was nothing in the terms of their donations to hinder that Cambridge should have furnished ministers for churches of various denominations. But, as the leading sects then had, or soon after established, Seminaries for the education respectively each of its own candidates for the ministry, this intention of the original benefactors of the School at Cambridge was very slightly regarded or recognized. In a few cases, graduates from the School have become ministers of denominations different from that

which the majority of them have served. The School was soon identified in popular opinion with a sect, though the hope which instigated its foundation was still cherished by its friends.

Your Committee cannot but confess, that this generous hope, however it may have been realized in some of its conditions, has not fulfilled them all. Amid the conscientious differences and the sensitive jealousies which attend upon our sectarian divisions, the connection between the Theological School and the College has been, as your Committee believe, actually prejudicial to both, — has impeded the success of the former, and brought into question the impartiality of the administration of the latter. We state only what we regard as the practical experience of the case. Embarrassments, as was from the first predicted or feared, have attended the union of the two Institutions. These embarrassments have not been relieved by any measures heretofore devised; and, from their character and the tendencies of things, are likely, as your Committee apprehend, to increase rather than to disappear, and to be even more seriously felt.

There are three distinct points which may be specified, in defining the prejudicial effects of the connection between the College and the School.

I. The friends of the Theological School, those to whom it looks for support, and for an enlargement of its means of usefulness, do many of them withhold their help, because they object to this connection. The funds of the School have never yet sufficed for its proper and complete organization and furniture. A third Professor is absolutely essential to its efficiency. A Library is needed, far more extensive than that which it now has. Instructors and Lecturers might be profitably employed, especially an Instructor in Elocution, if funds were available for their support. The specific resources of the School would not

remunerate the Professors by a sufficient salary, unless with the aid supplied from the College for services rendered in the Chapel. When those who would naturally be looked to to reinforce the funds of the School, and who, under some circumstances, would most cheerfully meet the request, are solicited for help, they object on the score of its relations to the College, and through the College to the State. If any liberal individual should found a new Professorship in the School, he might be at a loss to recognize the right of the State to sit in judgment, through this Board, on the qualifications of the candidate whom the Trustees of his gift might select. Indeed, it is within the knowledge of your Committee, that a testator had willed the sum of $40,000 to the Corporation of the College, to found a Professorship and several Scholarships in the Theological School, which would now have been in the hands of the Treasurer, had not the testator, lately deceased, been induced, by his apprehensions from the change in the constitution of the Board of Overseers, to give a different direction to his bounty. So long as the present connection between the School and the College exists, your Committee believe that the generous purposes of those who would be benefactors of either, or of both, will be qualified, or not carried out, because of a fear lest their intentions should fail of their results, through the machinery of party or of policy. The funds now in the College Treasury, devoted to the Theological School, are sufficient in amount to be somewhat effective in a definite direction, and have been accepted for a purpose of a religious nature concerning which there is no difference of opinion. But more funds are needed to accomplish the good heretofore designed; and, in order that more may be obtained, the existing embarrassments must be removed. The School thus suffers by its connection with the College, and the way of relief is by a separation.

II. Another prejudicial effect of the connection between

the Theological School and the College, is realized in the charges or insinuations which are from time to time cast upon the guardians of the College, more or less directly implying that a public Institution is by them perverted to sectarian purposes. It is difficult to make clear to all eyes, that the College guardians may properly do in the Theological School and for the Theological School, what they cannot properly do in and for the College. The relations which the Corporation sustain to a Theological Institution and to an Academic Institution are, to some extent, very distinct.

The Corporation, as Trustees and Administrators, accepted certain funds for certain specified theological uses, and are bound to apply them rigidly according to the intent of the donors. The views of those donors, and the direction and uses to which the funds are to be applied, are well known. Fidelity in their administration requires the Corporation to select for Professors and Instructors in the Theological School a class of men who are themselves unpledged to any distinctive sectarian views, and whose instructions shall not tend to impair the same unprejudiced and unbiassed freedom in their pupils. While the Corporation are faithful to their obligations in this respect, and are sustained by the Board of Overseers, the College proper incurs the odium of a sectarian partiality. Your Committee need say no more on this point; for it is within the knowledge of each of the members of your Honorable and Reverend Board, that the general repute of the College has suffered from this cause. Even if the case admitted of being set right once for all, without a separation of the Theological School from the College, your Committee cannot but feel that such a separation finds a strong ground of advocacy in its probable efficiency to rectify many wrong impressions in the community.

III. A third prejudicial effect of the connection between the Theological School and the College, may be noted as

likely to exhibit its influence in the meetings of this Honorable and Reverend Board in time to come. The nominations of Professors in the Divinity School must come before this Board for confirmation. We ourselves have our own religious views and doctrinal persuasions; and each of us, in fidelity to his own, regards them as identified with the truth, and as more or less essential to all sound religious teaching and influence. It may safely be affirmed, that those who shall succeed us here in our rights and responsibilities will be divided by the same differences, and be moved by the same convictions. This Board, thus constituted, and thus to be constituted, must sit in judgment upon the qualifications of Divinity Professors. As to the class of religious instructors from whom the Corporation, by the conditions of the theological funds committed to them, must select candidates for office, there is no room for difference of opinion. That the Corporation will be faithful to their measure of responsibility, so long as they retain their trust, is certain. But how will it be here? It will be an embarrassing question for a high-minded man, strongly wedded to his own religious convictions, if they differ from those of the founders and benefactors of the Theological School at Cambridge, to decide, when called upon to vote upon the nomination of a Professor in that Institution. If he approve it, he will, to some extent, endorse and approve the candidate, not only as a theologian, but as a teacher and a trainer of other theologians. If he oppose the nomination on sectarian or conscientious scruples, he will put himself between a sacred trust and its legal direction and use. Your Committee, without any exercise of the imagination, can readily infer that the contingencies hereby involved may be beyond measure distracting and painful in time to come, unless they are averted by foresight and due and seasonable measures. No other mode of averting them suggests itself than that of a separation of the Theological School from the College.

Your Committee are thus brought to the conclusion, that a separation of the Theological School from the College would be highly beneficial, and would tend to promote the prosperity of both. Having learned with great satisfaction, as the result of our conference with the President and Fellows, that they are inclined to concur with us in this conclusion, our attention was next turned to the question, whether such a separation be practicable.

We are aware, that, upon a former inquiry into the subject by a Committee of this Board, a report was submitted and adopted by the Board, expressing an opinion that it is not competent for the President and Fellows, even with the advice and concurrence of the Overseers, to renounce the trusts vested in them by the donors, or to decline administering and applying them to the service of the Theological School in connection with the College, in accordance with the will of the donors. We also accord in the opinion, that no power exists in the government of the College to confide these trusts to others by any voluntary act of their own, however strongly that step might recommend itself as desirable to the President and Fellows, or to this Board.

But it is well known and understood, that, by the law of the Commonwealth, the Supreme Judicial Court, in its capacity as a Court of Chancery, has and exercises a peculiar jurisdiction over all donations for charitable uses; and that the advancement of education, in all its departments, is a charitable use and purpose. According to one of the liberal provisions of this equitable proceeding, a charitable gift shall not fail because it cannot be carried into effect literally or fully, or according to the precise terms of the gift. But it is competent for such a Court to decree that a charitable gift be carried into effect in a manner as nearly conformable to the terms of the donation as is practicable, and so as more effectually and more fully to secure what was in fact the real purpose and design of the donor. If,

therefore, it is proved, after a reasonable trial and experience, that the donations to found a School of Theology, as a department of the University at Cambridge, do not accomplish all the objects, nor the best objects, which the founders had in view; and that, at the same time, the Institution thus established is, to some extent, prejudicial to the College, — your Committee are advised, that, upon such a state of things being properly shown and established, it is competent for the Court having Chancery powers in the case to decree such alteration in the constitution and organization of the Trustees, and in the disposition of their funds, as would separate the Theological School from the College. Your Committee are of opinion that the time has come when a case exists requiring such extraordinary interposition; and, in our conference with the Corporation, we were satisfied that they had come to the same conclusion.

We do, therefore, respectfully recommend, that this Board do advise and consent to the adoption of suitable and proper measures, on the part of the President and Fellows of Harvard College, to obtain a judicial decision from the proper tribunal, authorizing and directing that all such funds as may have been collected and bestowed for the establishment and maintenance of a Theological School in connection with Harvard College, entrusted to the management of the Corporation, and placed in the custody of the College Treasurer, may be transferred to, and vested in, some other Corporation, or other Trustees, in trust to provide for the promotion of Theological Education by a separate Institution, under a separate government, so that the same shall be hereafter distinct from Harvard College.

In behalf of the Committee,

GEORGE E. ELLIS.

MEMORIAL.

TO THE HONORABLE AND REVEREND,

THE BOARD OF OVERSEERS OF HARVARD COLLEGE.

The Memorial of the President and Fellows respectfully showeth, —

That, from the experience of thirty-five years since the foundation of the Theological School for the education of candidates for the ministry, as a separate department in the University, and from the opinions generally now prevalent, so far as they are informed, among the friends of both Institutions, they are convinced that such a union is alike detrimental to the peculiar interests of the College, and unfavorable to the promotion of the objects for which the School was established; and that the welfare of both requires a separation, if one be practicable consistently with their respective legal rights and duties.

At first view it would seem, that a School for Theological Instruction of young men for the clerical profession is essential to the completeness of a University like this, containing not only provision for a general academic education, but also schools of science, and for preparing young men for all the other occupations in life, usually denominated professional; and that one of this nature should be esteemed more especially requisite in connection with Harvard College, which was founded in reference to such instruction, as well as for the purposes of general education; and which,

as far as our knowledge extends, has been always resorted to by students for that purpose, after the completion of their academic course.

And such would be the just inference, if Harvard College had not been, by the organization of the Board of Overseers, connected with the State, and so considered in some measure a State Institution, involving more or less the sanction of the State in its teachings; or if Christian theology were, in strictness, a science, composed of fundamental principles, which all denominations hold in common, and which could be made the basis of a common theological education, fitting the student alike for all pulpits; or if there were any particular form or mode of belief recognized as the religion of the State. But as the College is regarded in some degree as an Institution of the Commonwealth, and as thus implying its sanction to all taught within its walls; and as, in the present condition of the Christian world, there cannot be any one School suited equally for the instruction of all candidates for the ministry, nor any teachers in any School, of any platform, however broad or narrow, who would not be obnoxious to objection as the exponents of one form of faith rather than of another; and as it is a fundamental principle of our political Constitution, and one most deeply implanted in the minds and affections of the people, that no religious denomination or sect shall be entitled to any peculiar political privileges or favors, — there appears to be an insuperable difficulty in attaching any School for Theological Instruction to this University, as a component part of it, without injury to the College, as being seemingly inconsistent with its true position to the public, for whose benefit it was instituted, and upon whose patronage and support, in common with all other Collegiate Institutions, it must mainly depend.

Your Memorialists believe that the experiment of such a connection has been now fully tried, and under circum-

stances particularly favorable to success, if success had been practicable; it having been adopted, as a *fundamental article* in the establishment and organization of the existing School, and uniformly inserted in its Constitution and statutes, "that every encouragement be given to the serious, impartial, and unbiassed investigation of Christian truth; and that no assent to the peculiarities of any denomination of Christians be required, either of the Students or Professors, or Instructors:" a principle which has, as your Memorialists believe, been faithfully obeyed, — no instance of any departure from it having ever been made known to them; and the same principle being also uniformly acted upon in the administration of all other departments of the University, — no peculiarities of Christian belief being required of Professors or Instructors, many of whom are of the persuasion denominated Orthodox; and the Students having permission to attend such religious services on Sunday as their parents or guardians may designate. Nor do your Memorialists believe it to be possible, that any School for Theological Education could be instituted, which should be justly less obnoxious to the charge of sectarian influence than that now existing.

The difficulty appears to them to be inherent in the Constitution of the College, and the impossibility of the endowment and management of any Theological School, that shall not be obnoxious to public prejudice or suspicion, however unjustly founded, arising from the extreme sensitiveness of the public mind upon that subject; the general misunderstanding, that will more or less extensively prevail, concerning the nature of any such School and its connection with the College, and the influences properly attributable to it; and the facility with which erroneous impressions and hostile feelings may be excited by the undesigned as well as the designed misrepresentations of those unfriendly to the School and College, or solicitous to

advance the interests of other institutions, — a difficulty which would doubtless be the greater in proportion as the tenets professed by the Instructors should be more exclusive, and the benefits of the School more carefully confined to the adherents of any particular denomination.

This School was founded by donations from many pious and liberal persons, and is maintained by the income derived from them, together with that from funds previously held by the Corporation, as means of affording religious instruction in the College; and, in consideration of which, corresponding services are rendered to the undergraduates by the Professors of the School. And, in nearly all instances, the funds thus given for the establishment or maintenance of the Institution were given directly to the President and Fellows, or in such manner as to render them necessarily the recipients of the trust, and to impose upon them corresponding moral obligations and legal liabilities.

From early times, graduates from this and other Colleges resorted to Cambridge to be educated for the ministry; and, with the instructions derived from the College Professors, and aid from funds held in trust by the Corporation for that purpose, constituted a sort of Theological Department, or School, though without any distinct organization as such. But, in the year 1816, the need of further means to supply the increasing demand for religious education being sensibly perceived, a subscription was obtained from numerous friends of the College for that purpose, of various sums, amounting in all to about $30,000; and the donors formed themselves into a voluntary association, denominated "A Society for the Promotion of Theological Education in Harvard University." A written Constitution was adopted, and the Society was organized by the choice of officers; and the funds thus raised were paid in to the College treasury, to be appropriated by a joint Board, consisting of the

Corporation and five Trustees elected by the Society, to the education of candidates for the Christian ministry. And this was the foundation of the Theological School, as a distinct department in the University. Under that arrangement, the joint Board had only the power of appropriating the funds, but no authority over the Instructors or pupils, who continued to be officers and students of the College, and subject to the government of the Corporation and Overseers, in the same manner as were the officers and students in the other departments; the immediate and interior management being vested in an organized Faculty, consisting of the President and the Theological Professors.

This arrangement continued until the year eighteen hundred and twenty-four. In the mean time, the opinion had become extensively prevalent and earnest, that the interests of the School and of the College rendered a separation of them desirable, as far as practicable; and, by mutual consent, a new organization was established, vesting the immediate management and control of the School in a Board of Directors chosen by the Society; subject, however, to certain visitatorial powers in the Corporation; which also, as they supposed and intended, retained the right of appointing Professors and Instructors, subject to confirmation by the Overseers; and, together with five Trustees appointed by the Society, constituted a joint Board for the appropriation of the funds of the School.

Among the articles composing the Constitution thus adopted, was one providing, that if, at any time thereafter, the Society should think it best to appropriate the funds, to be thereafter collected, to a Theological Institution disconnected from Harvard College; and if the Directors of the Society and the President and Fellows of Harvard College should assent thereto, it should be lawful for the Society to appropriate all the funds thereafter collected, to such other Theological Institution. An Act of Incorpo-

ration of the Society, conforming to the Constitution, was obtained in the year eighteen hundred and twenty-six; but, the assent of the Corporation being required in order to give it validity, and this assent being withheld for reasons which were esteemed insuperable, the Act never went into operation. In this new Constitution of the Society, and in the Act of Incorporation, the fundamental article above recited, concerning assent to the peculiarities of any denomination of Christians, was inserted.

In order to render the separation, intended to be produced by this arrangement, the more entire and effectual, another subscription was obtained, for about nineteen thousand dollars, "for the purchase of land and the erection of a building, for the use of the students in the Theological School at Cambridge," — which sum was appropriated by the Directors to the erection of the structure upon land belonging to the College, called Divinity Hall, — it being anticipated at the time that the Society would also purchase the land of the Corporation; but no conveyance of it appears to have been made.

Under this organization, the School was administered until the year eighteen hundred and thirty. But the experiment proved unsuccessful; and, at the close of that year, it was thought expedient to place the School again under the exclusive control of the Corporation. The connection between the Society and the Corporation was finally dissolved, by mutual consent; and the funds and the estates of the former were transferred to the President and Fellows by deed, upon trust, that all the funds and income should be applied generally for the promotion of Theological Education, upon the principles adopted by the Society at its formation; — that those collected by it, before the change made in its government, in the year eighteen hundred and twenty-four, should be applied to the promotion of Theological Education in Harvard University, ac-

cording to the will of the donors, as expressed in the then existing Rules and Constitution of the Society; — and that the funds, collected after that period, might, whenever the President and Fellows should think best, be appropriated to a Theological Institution disconnected from the College, so far as it lay within the power of the Society to authorize such appropriation. And a new organization of the School was established, by which its interior government was vested in a Theological Faculty, consisting of the President and Professors, and such other officers as the Corporation might from time to time designate; subject to the control of the Corporation and Overseers, in the manner existing in the other Schools attached to the College.

Under this arrangement, the School has remained from that time to the present.

From this brief sketch of the history of the School, which seemed essential to a just apprehension of the subject, it is apparent that every effort has been made, that could be devised by the parties interested, for its successful management in reference to its own peculiar interests, and as a branch of the University, — by rendering it, at one time, the subject of the immediate government of the Corporation, aided by the founders, in the acquisition and administration of its funds; at another, by placing it under the guardianship and entire management of a Board of Directors, chosen by the founders, subject only to a limited supervision of the Corporation, and its power of appointing Teachers with the consent of the Overseers; and, finally, by subjecting it, and all its funds, to the exclusive management of the Corporation and Overseers. And the result has been, as your Memorialists are constrained to believe, a general conviction in the minds of other friends of the College, and in their own, that, owing to the manner in which the Corporation of the College is constituted, and the great complexity of its cares in superintending the

multifarious concerns of the University; and the inherent difficulty, above stated, attending the union of any institution for the instruction of young men in theology, as distinguished from the general course of academic education; and the need which such an Institution has of the perpetual and vigilant fostering care of its peculiar friends and supporters; and in view of the prejudices and suspicions which any such union inevitably tends to excite and foster, in addition to objections which may be reasonably entertained, — the connection of this School is injurious to the College, and subversive of its own true interests.

Under these circumstances, the President and Fellows would deem it incumbent upon them, if a voluntary arrangement to that effect were practicable, to surrender the funds thus committed to them by the founders of the School, or by subsequent donations for the promotion of Theological Education, to those, or the representatives of those, from whom they received them; or to place them in the hands of other Trustees upon the same trusts, who might more effectually accomplish the designs of the donors, without injury to the College, whose peculiar interests your Memorialists deem it to be their first duty to protect and promote. But there are, as your Honorable and Reverend Board has heretofore seen and decided, insuperable legal difficulties in the way of any such voluntary arrangement.

The President and Fellows, by accepting these gifts bestowed for the promotion of Theological Education at the University, have become Trustees of them for that purpose, and thereby entered into contracts with the donors, and assumed obligations, both moral and legal, to them and the College and the public, which they are not at liberty to dissolve at pleasure; nor upon any conviction of their own, however well founded, of the inexpediency of attempting their further fulfilment; nor, if they had that power, have they any legal right to surrender the funds to the donors,

or their legal representatives, or to vest any legal title to them in any other Trustees; nor is it competent for the Legislature to release them from these contracts or obligations, or to authorize any such substitution of Trustees, or transfer of title to the funds.

By those gifts, all right and title to the property, or money bestowed, passed irrevocably from the donors; and the Corporation became irrevocably bound, so far as its own volition or agency is involved, to the fulfilment of the trusts upon which they were given. And, being in the nature of charities or charitable trusts, upon failure of ability on the part of the Trustees to perform them, from whatever cause; or upon its becoming impossible to fulfil them, by fully accomplishing the original purpose of the donors in the manner designed, — the trusts do not become void, nor does the property revert to the givers, or their legal representatives: but, by a long-established principle of law, it belongs to the Supreme Judicial Court, as a Court of Chancery, to interpose by a decree directing the administration of such trust-funds and institutions, so as to accomplish the general purpose of the donors, with such variations in regard to the persons to administer them, and the mode of administering them, as shall most nearly promote the general object designed. This may be done by a bill, or other proceeding, in Equity; and, as such charities are intended for public purposes, the Attorney-General may be called upon — either under the general powers incident to his office, or as the representative of the Commonwealth may be summoned in — to see that such rights are properly and cautiously guarded in the decree, if it should appear to the Court to be just, and required by the best interests of the charity. But, in order to authorize such interference, the facts relied upon as ground of the interposition of the Court must be satisfactorily established by legal evidence, in due process of law.

And your Memorialists are humbly of opinion, that such sufficient legal cause of judicial interposition does exist, if they are correct in the opinions which they entertain, as above expressed, of the injurious influences of the School upon the College; and of their inability, under existing circumstances, to conduct it advantageously for itself. They consider the College proper, as originally established, to be entitled to their first and chief regard and protection; and that they could have no legal or moral right to accept any other, or subsidiary trust, which they should have reason to believe would impair its usefulness, or injuriously affect its interests, or the fulfilment of which would be incompatible with their duties and relations to it, or be in itself impracticable by reason of those relations. And they believe it to be a necessary result from the same principle, that, if the President and Fellows have accepted any trusts in good faith, and under the conviction that the administration of them would be not only consistent with their relations and duties to the College, but also promotive of its best interests; and it has been found, upon experience, that such belief and anticipation were erroneous, and that the retention of the trust-funds, and the appropriation of them to the purposes designed by the donors, are in fact injurious to the College; and that they, by reason of their relations to it, are unable to administer the trusts advantageously, — a case of inability on the part of the Trustees to fulfil the trust, and a failure of it in their hands, is established, which authorize the interposition of a judicial tribunal, and a decree for the transfer of the trust-funds into other hands.

Your Memorialists further respectfully submit, that, although the removal of the trust-funds from their hands into the custody and administration of other Trustees would be a matter entirely within the judicial discretion of the Court, and over which they have neither any right nor

desire to exercise control, — nevertheless, the consideration that a substitute, in place of the Corporation, may be readily found, by whom the original purposes of the donors may be unquestionably and fully accomplished in all particulars, excepting that of retaining connection with the College, is of great importance in determining upon the propriety and expediency of any proposed change, and upon the probable success of an application for judicial interposition. And upon this subject it is believed that no difficulty can exist.

The surrender which your Memorialists deem advisable is of those funds only which were given in the year eighteen hundred and sixteen for the establishment of the Theological School, and those given to the School directly, and of those given to the President and Fellows of the College for the purposes of Theological Education subsequently and while the School has been in operation.

Those given to the College antecedently are esteemed to be portions of its funds, given for its peculiar benefit, which may be usefully and advantageously employed in the instruction of undergraduates, and of others who may resort to the University for the benefit of the lectures and exercises which those funds were designed to provide for; and which may be confined within the boundaries of theological teaching necessary for a general education, and not involving tuition in the peculiar tenets of any one Christian sect or denomination; and also for supplying those religious ministrations which form a portion of the system of discipline and guardianship in all New England Colleges, and which may be, and are, — as your Memorialists believe, — conducted with the view of promoting the virtue and piety of all, without offending or interfering with the peculiar sentiments of any.

And, as the funds thus proposed to be transferred were given by the founders of the present School, or after its

public establishment and organization, and while it was, and was expected to remain, under the administration of those in whose hands it had been entrusted from its foundation, it is humbly conceived that a new Society or Corporation established in conformity with the Constitution of the School, as formed in the year eighteen hundred and twenty-six, with such alterations in its Constitution or Charter as may be necessary, arising from its entire separation from the College, and composed of members of that Society, or those holding similar views with them in reference to Theological Education, would be a suitable substitute in place of the Corporation of the College, to receive the funds, and administer them in entire conformity with the design of the donors from whom they were derived.

Under these views and impressions, your Memorialists, if compelled to act upon their own unguided judgment and sense of duty, would be disposed to take immediate measures for presenting the case to the consideration of the Supreme Judicial Court, and inviting its interposition and aid. But, as they enjoy the privilege of appeal to your Honorable and Reverend Board for council and advice in all emergencies of importance or difficulty, and as they are indisposed to assume the entire responsibility of a measure of so much importance as the sundering of a prominent School from the University, and the surrender of large trust-funds, without such council and advice, they respectfully submit the matter for the consideration of your Honorable and Reverend Board, and request the aid of such instruction as may be deemed meet.

In behalf of the Corporation,

JARED SPARKS, *President.*

Cambridge, March 3, 1852.

REPORT

ON THE

RELATIVE POWERS, DUTIES AND RESPONSIBILITIES

OF THE

CORPORATION AND OVERSEERS

OF

HARVARD COLLEGE:

WITH THE

PROCEEDINGS OF THE OVERSEERS THEREON,

JANUARY 31, 1856.

BOSTON:
PRESS OF T. R. MARVIN, 42 CONGRESS STREET.
1856.

REPORT.

At a Meeting of the Board of Overseers of Harvard College, held in the Senate Chamber, in Boston, on the 31st day of January, 1856, His Excellency the Governor in the Chair, the Hon. George Morey presented the following

REPORT.

The Committee of the Overseers of Harvard College, appointed on the 12th of April, 1855, to consider and report on the Relative Powers, Duties and Responsibilities of the President and Fellows, and of the Overseers of Harvard College, more especially in relation to Appointments, Tenure of Office, Salaries and Finances, have considered the matters referred to them, and respectfully submit the following Report:

When the resolution, under which the Committee was appointed, was adopted, the Board could hardly have been aware how extensive was the field of inquiry, which the Committee were required to examine, or how imperfectly the same had previously been explored. It is somewhat remarkable, considering the various and important relations, which exist between the Corporation and the Overseers, that from the beginning down to the present time, embracing a period of more than two centuries, not a single question touching the relative

powers, rights or duties of these two Boards, has, so far as the Committee can learn, been brought to a legal decision, or been solemnly argued, or even presented by both parties in proper form for argument and adjudication.

The Committee, therefore, for this and other reasons, which will appear in the course of this Report, are brought to an examination and consideration of the several Acts, by which these two Boards were established, and of the other Acts supplementary thereto, with less aid in the construction thereof than might have been expected.

With these preliminary observations, the Committee will proceed to examine and consider the legislative Acts, by which the powers, rights and duties of the two Boards were originally conferred and prescribed.

In the year 1642, the first Act was passed, creating a Government over this Seminary at Cambridge, which was entitled, "The Act Establishing the Overseers of Harvard College." This Board consisted of the Governor and Deputy Governor, all the Magistrates of the Colony of Massachusetts, and the Teaching Elders of the following towns, viz: Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, together with the President of the College.

It could hardly have been expected, that a system so cumbrous would long continue without some important change; and we find that the Colonial Legislature, in the year 1650, did proceed to pass an Act, commonly denominated the Charter, by which a Corporation was created, consisting of a

President, five Fellows and a Treasurer, upon whom and their successors all such powers were conferred as it was supposed the safety of the funds and the successful management thereof,—the prosperity and good of the College would require; and the title to all lands and other property of the College, then existing, or which might be afterwards acquired, was vested in said Corporation, which, being a small, and to a certain extent an independent body, would be able safely and satisfactorily to manage its pecuniary affairs. This was deemed a matter of great importance; for, prior to this time, although it was supposed such lands and property were held in trust by the Colony, yet it was somewhat doubtful where the title to the same actually rested; and if in the Colony, the depositary or trustee could not but be regarded as less suitable and satisfactory than the one established by said Charter.

By this Act said Corporation is empowered to purchase, or otherwise acquire, real estate or personal property, and hold the same for the use and behoof of the President, Fellows, Scholars and Officers of said College. It is also enacted in said Charter, that the said Corporation, or the major part of them, "may meet and choose such officers and servants for the College, and make such allowance to them, and them also to remove, and, after death or removal, to choose such others, and to make, from time to time, such orders and by-laws for the better ordering and carrying on the work of the College, as they shall think fit; *provided, the said orders be allowed by the Overseers.*"

And it is further provided by said Act, that the

President, and three more of the Fellows, may hold a meeting for the debating and concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods, &c.; in all which cases aforesaid, the conclusion shall be made by the major part, the said President having a casting vote, *the Overseers consenting thereunto.*

By this Act some powers are granted to the President and Fellows to be exercised by them alone, and many other powers are conferred upon them and the Overseers; that is, the President and Fellows, in all such cases taking the initiative, may pass an ordinance or by-law, make an appointment, vote salaries, &c., and send the record of their doings to the Overseers for their approval, which, being assented to and confirmed, become complete and valid acts.

It was soon found that great delay and inconvenience were suffered on account of the difficulty of procuring meetings of such a body as the Board of Overseers, the members thereof being numerous and scattered over the whole Colony; and the consequence was, that much time might elapse, after the adoption of any measure by the Corporation, before it could go into effect, for want of confirmation by the Overseers. These and other evils gave rise to an Act, called the Appendix to the College Charter. This Supplementary Act of the Colonial Legislature was passed on the 14th of October, 1657, and its provisions are as follows, viz:

"The Corporation shall have power, from time to time, to make such orders and by-laws, for the

better ordering and carrying on the work of the College, as they shall see cause, without dependence upon the consent of the Overseers foregoing. PROVIDED ALWAYS, *that the Corporation shall be responsible unto, and those orders and by-laws shall be alterable by, the Overseers, according to their discretion.*"

"And when the Corporation shall hold a meeting for agreeing with College servants, for making of orders and by-laws, for debating and concluding of affairs concerning the profits and revenues of any lands or gifts, and the disposing thereof (provided that all the said disposals be according to the will of the donors), for managing of all emergent occasions, for the procuring of a general meeting of the Overseers and Society in great and difficult cases, and in cases of non-agreement, and for all other College affairs to them pertaining;—in all these cases the conclusion shall be valid, being made by the major part of the Corporation, the President having a casting vote. PROVIDED ALWAYS, *that, in these things* ALSO, *they be responsible* to the *Overseers* AS AFORESAID."

"And in case the Corporation shall see cause to call a meeting of the Overseers, or the Overseers shall think good to meet of themselves, it shall be sufficient unto the validity of College acts, that notice be given to the Overseers in the six towns mentioned in the printed law, anno 1642, when the rest of the Overseers, by reason of the remoteness of their habitations, cannot conveniently be acquainted therewith."

The Charter of 1650 was granted on the petition

of Henry Dunster, who was thereby made President of the Corporation; but the Act of 1657 appears to have been passed on "certain proposals of the Overseers." The latter Board probably wished to be relieved from the necessity of frequent meetings, and to be able to call such meetings as they desired to hold, with more facility and convenience; and the Corporation was made a more efficient body by virtue of the provisions in this Appendix.

Under this Act many of the votes of the President and Fellows go into immediate effect, without dependence upon the consent of the Overseers, respecting which votes the latter Board previously possessed what may be called, for the purpose of distinction, the right of *confirmation;* and until such confirmation took place, the said acts of the Corporation did not become valid. Still it is provided by said Appendix, that the Corporation shall be responsible unto, and such votes or doings are made alterable by, the Overseers, according to their discretion. This may be denominated the right of *revision*, which, though less direct than the right of *confirmation*, yet, being extended to various acts and doings of the Corporation, seemed not only to furnish a sufficient security for the correction of errors, but to give to this Board all necessary control, and even a larger one than existed before.

The Corporation, however, seemed for a time to be gainers by this additional legislation, inasmuch as, while more of their votes went into operation at once, no express provision was made, requiring them to send such votes to the other Board. In

consequence thereof, the Corporation kept close upon their books most of their doings, and it sometimes happened that important votes or orders were unknown to the Overseers for years.

At length the Overseers, whenever they desired to have possession of a particular vote of the Corporation, proceeded to send a formal order or request to that body for the same. The Corporation of course duly submitted to the call, and furnished the vote required. A more suitable remedy might have been provided by the adoption of special joint rules by the two Boards, regulating the transmission of the votes or orders of the Corporation to the Overseers.

The Committee will now proceed to consider the four particular matters specified in the resolution or vote of this Board, adopted April 12, 1855; and this they will do, in such order, as they find most convenient. The first subject, to which they will call the attention of the Board, is that of the College Finances.

The Funds of the College are under the immediate charge of the Treasurer, who is subject to the orders and special directions of the Corporation; and a detailed statement of the condition of said funds, and of all receipts and expenditures, is made annually by the Treasurer to the Government of the University, which is examined by a Committee of the Corporation and Overseers, whose certificate or report is presented to the Overseers at their annual meeting. It has not been the practice of the Corporation to make any separate communication to the Overseers of their doings in relation to the

finances. Still, if the Corporation should at any time have in contemplation some unusual financial operation, such as disposing of the real estate, in whole or in part, belonging to the College, or erecting a new College-hall or chapel, or adopting some important change respecting the College funds, it would seem fit and proper that they should, before any action is taken by them, make known their intentions to this Board, so that the Overseers might express their approval thereof, or interpose their objections, if they had any, to the plans of the Corporation. In this way the provisions of the constitution of the College would not fail to be complied with, and the Overseers would be sure to have an opportunity to exercise all the rights and powers which may belong to them.

In this connection the Committee deem it proper to add some remarks respecting Donations made to the College.

If a simple bequest, or gift, without any qualification or condition, be made to the College, of a sum of money, the Overseers may well have a right to expect that the Corporation will give them official notice of the same; although, under ordinary circumstances, it might not be deemed a matter of any great importance. But when the donation is upon a particular condition, or is accompanied by a special trust, the Committee are persuaded that the vote of acceptance by the Corporation is not sufficient and complete until such vote is concurred in by this Board. Otherwise the Overseers might be obliged, or compelled by an order of court, to aid in the execution of a trust, which they have not

sanctioned, nor ever would have consented to, if the same had been laid before them for their approval.

The Committee, therefore, are of opinion that it is the duty of the Corporation to submit to this Board the question of the acceptance of every donation accompanied by a special trust, or imposing some particular obligation upon the Government of the College. It appears by the records of this Board, that the proposal of Mr. Hollis to endow a Professorship of Divinity, was by the Corporation laid before the Overseers, who expressed much gratification on the occasion, and appointed a committee to prepare an appropriate letter of thanks to this distinguished benefactor of the College; and, at divers times, questions respecting donations have been presented to the Overseers and acted upon by them, and votes of thanks to the donors have often been passed.

For the purpose of further showing what has been the practice in this respect, the Committee think proper to cite the following cases, viz.: In the year 1791, the President laid before the Corporation a letter from James Bowdoin, Esq., stating that his father, the Hon. James Bowdoin, deceased, had by his last will bequeathed to the University a legacy of £400, the interest of which was to be applied in the way of premiums for the advancement of useful and polite literature among the residents, as well graduates as under-graduates of the University, and that the executors were ready to pay the same;—whereupon it was voted to accept the aforesaid legacy upon the conditions pointed out by the testator, and that Ebenezer Storer, Esq.,

the Treasurer of the University, receive the same. This vote of the Corporation being presented to the Overseers, it was voted to concur with the Corporation in accepting this legacy, and appointing the Treasurer to receive it. A Committee of the Overseers was then appointed to consider what was proper to be entered on their records relative to Mr. Bowdoin's legacy, which Committee, at a meeting of the Overseers, held May 3, 1791, made a report, and recommended the adoption of the following vote, viz.: *Voted*, That this Board have a due sense of the Hon. Mr. Bowdoin's attachment to the interests of virtue and science in general, from a series of important services in the course of his life, and to the prosperity of the University in particular, from his uniform exertions to promote its welfare, while living, and from his liberal donation to it, which he made in his last will and testament,— which report and vote were adopted by the Board.

In the year 1814, the Corporation passed the following vote, viz.: *Voted*, That the documents relating to the donation of Samuel Parkman, Esq., of a township of land for the purpose of promoting the interests of religion and science, and of religious and scientific education in the University, with the vote of the President and Fellows on the subject, be laid before the Honorable and Reverend, the Overseers, and they be requested, if they see fit, to concur in said vote. This vote was laid before the Overseers and concurred in.

In the year 1829, the following vote was adopted by the Corporation, Judge Story being then a member, viz.: *Voted*, That this Board accept the dona-

tion of the Hon. Nathan Dane for founding a Professorship of Law, on the terms and conditions set forth in his communication to the Corporation, dated June 2, 1829; and that the above proceedings be laid before the Overseers, that they may approve the same, if they see fit. This vote, being laid before the Overseers, was concurred in.

In the course of the last year some important questions came before this Board respecting a liberal donation, made to the College by Miss Caroline Plummer, of Salem, who by a codicil to her last will and testament, made provision for establishing a new Professorship in the University. No vote of the President and Fellows, accepting said donation, was laid before the Overseers for their concurrence, the subject being first brought to their notice by the presentation to them by the Corporation of certain rules and statutes of the proposed Professorship, and of the name of a candidate to fill the same. The whole subject was then referred to a very able Committee, consisting of five distinguished gentlemen of this Board, of which Committee Hon. Robert C. Winthrop was chairman, and a munificent benefactor of the College, the late lamented Mr. Lawrence, was a member.

After much consideration the Committee made an elaborate report, recommending among other things that the Overseers should concur with the Corporation in the acceptance of said bequest, and in the establishment of a new Professorship, agreeably to the terms thereof. This report was adopted with great unanimity. The language and action of said Committee may be regarded as a distinct

expression of opinion by them, that every donation, accompanied by a trust, should be laid before the Overseers for their consideration, and be acted upon by them.

The Committee will now proceed to say a few words on the subject of Appointments.

This seems to have been regarded, at all times, as a matter in relation to which the action of the Corporation did not take effect until the same was confirmed by the Overseers. The Corporation have therefore uniformly sent their votes or orders, by which appointments have been made, to this Board for approval.

It is often found convenient, and even necessary, that tutors and some other officers, chosen by the Corporation to fill vacancies, should enter on the discharge of official duties previous to the action of the Overseers on such election; and if an instructor or officer, so elected, should fail to be confirmed, it seems reasonable that he should receive the salary attached to the office, up to the time of such adverse decision of this Board.

It has been a frequent practice, when a new Professorship or other office is established by the Corporation, for them to send a record of their action on the subject to this Board, and at the same time present a vote, appointing on their part some person to fill the office. This is deemed by the Committee an irregularity, and may be a source of much embarrassment and difficulty. The Committee, therefore, trust the Corporation will not hereafter proceed to an election to fill an office, till its establishment has received the approval of this Board.

The Committee will now briefly notice the subject of the tenure, by which offices are held in the University. It may be considered, as a general rule, that the instructors or officers in the College hold their offices during the pleasure of both Boards, and may be removed by them. If, by a statute or vote of both Boards, a certain term or limited period is prescribed for an incumbent to hold any office, it is an irregularity for him to be permitted to remain in office after such term has expired. It is also clearly an irregularity for an appointee of the Corporation to continue as an instructor or officer after his nomination has been rejected by the Overseers.

The Committee have now reached the subject of Salaries, which is the only remaining topic, specified in the resolution by which they were appointed.

It is provided in the Charter, in substance, as appears in the passage herein above cited, that the Corporation may meet and make such allowances to the College-officers, or servants, as they shall think fit; *provided*, their orders or doings on the subject be allowed by the Overseers. This provision is contained in the very section or part of the Act, in which the matter of appointments is regulated, and that too by the same phraseology as is used touching salaries; and it has never been questioned by the Corporation that all such appointments or elections require the confirmation of the Overseers. But the Corporation has, on some occasions, particularly during a considerable period, immediately preceding the year 1761, pursued a course which indicated that in their opinion, they could, by virtue of the said Appendix to the Charter, prescribe salaries for the

College servants by votes or orders, which went into operation without the *confirmation* of the same by the Overseers. If the regulation of this matter has been changed by said Appendix, then to this extent a diversity has been created between the cases of *appointments* and *salaries*,—that is, in the case of the election of instructors and officers, the Corporation are obliged to send their votes to the Overseers for their confirmation or approval, and in that of salaries, there is no such necessity imposed by said Supplementary Act. The only course, therefore, for the Overseers to pursue, if such votes or orders have not been laid before them, and if they desire to take any action thereon, is to get possession of them by a call on the Corporation therefor, and then to revise such doings by approving or rejecting the same.

The Committee think proper in this place to say, what may seem to be a repetition, that the main, indeed almost the only object of said Appendix, was to enable the Corporation to adopt votes or orders, which would become valid without the confirmation thereof by the Overseers. A question has been raised, whether said legislative act includes votes or orders relating to salaries. But it may be regarded as a matter free from all doubt, that if no clause of said Act applies to salaries, then all votes or orders on that subject require the confirmation of the Overseers, as it is provided in the Charter; but if any provision of said Supplementary Act does embrace votes or orders respecting salaries, (which is understood to be the opinion of some members of the legal profession,) then as to all such votes

or orders the Overseers clearly have the right of *revision.*

But it may be asked whether such right has not been lost by a continued practice in the course of one or two centuries, during which the Overseers may have abstained from all action in the matter. To this question the Committee do not hesitate to give a decided answer in the negative. Surely the omission of the Corporation, for ever so long a period, to communicate any order or vote upon salaries to the Overseers, or of the latter Board to call on the Corporation for the same, can never be considered as an abandonment of their right of control or revision. The only legitimate presumption to be derived from such omission, is, that the doings of the Corporation in this respect, if known to the Overseers, were right, or rather that the Overseers were satisfied therewith.

Notwithstanding the confidence of the Committee in the doctrine above stated, yet as they are desirous of avoiding every possibility of mistake in such a case, and as some persons may have doubts, which it is desirable should be removed, the Committee have examined the records of the Overseers since the year 1707, at which time separate and proper records began to be kept of the doings of this Board. The Committee have no means of knowing what the practice was from 1657, the time of the enactment of the Appendix, to the year 1707; and nothing appears on the subject, in the records of the Overseers, till about the year 1722. During this long period, from 1657 to 1722, the number of instructors

or officers was small. The salaries also were small, and the means of payment precarious. Under these circumstances the probability would be that the Corporation would hardly be able to commit any serious mistakes as to salaries. The chief solicitude at that time related to the procuring of means to pay the small salaries granted, and the Overseers would not be likely to trouble themselves much about the votes of the Corporation as to the amounts.

From the early part of the year 1722, to November 20, 1760, the right of the Overseers to revise the votes of the Corporation, as to salaries, was at divers times agitated; and in a few instances the Corporation presented to the Overseers their votes, by which allowances were made to instructors, for their approval, and at several times a call was made on the Corporation by the Overseers to send to the latter Board their votes in relation to salaries and other subjects, which call was always promptly complied with on the part of the Corporation, and their votes were duly presented. This important point being fully settled, and the difficulty as to obtaining possession of the votes of the Corporation being removed, the Overseers, at their meeting on the 20th of November, 1760, took up the subject of salaries in earnest, and adopted the following vote, viz.: *Voted*, That there be a Committee to consider whether it is in the power of the Corporation to make allowance to those who are employed in the government or instruction of the College, without the consent of the Overseers; and Secretary Oliver,

Mr. Bowdoin, Brig. Gen. Brattle, Mr. Pemberton, and Mr. Eliot, were constituted the committee.

On the 11th of June, 1761, this committee made a report, which was read, and the 9th of July then next was specially assigned for its consideration; and it was voted that the Corporation be served with a copy thereof.

On the 26th of the same month of June, the Corporation met and passed the following vote, viz.: *Voted*, That whatsoever salaries or grants shall be hereafter made to any of those who are in the Government of the College, shall be laid before the Overseers for their consent, and that this vote be presented to them for their approbation. By this action of the Corporation, they clearly gave up the great question in controversy, and in fact seem to have admitted it to be essential to the validity of their votes or orders respecting salaries and allowances, that the same should receive the consent of the Overseers. On the 9th of the following July, the time assigned for the consideration of said report, this vote of the Corporation was laid before the Overseers, which was read and consented to, "it appearing," as the record states, "to this Board to be agreeable to the College Charter."

On the 7th of September, 1761, the Corporation passed the following votes, which were transmitted to the Overseers, and laid before them at their meeting on the 6th of the succeeding October, viz:

1st. That the salaries of the Professors, Tutors, and Hebrew Instructors, be as follows:

Salary of the Divinity Professor,			£36 18 8
" "	Mathematical Professor,		78 11 2¾
" "	First Tutor,		61 6 8
" "	Second do.		60 0 0
" "	Third do.		59 6 3
" "	Fourth do.		58 13 4
" "	Treasurer,		40 0 0

Vote 2d. That a grant of eight pounds be made to the Treasurer this year, in addition to what is his stated salary.

Vote 3d. That one shilling and four-pence be allowed by each student of the two lower classes to the Hebrew Instructor, to be charged in their quarter bills.

Vote 4th. That the salary of the Clerk of the Overseers be six pounds per annum.

From this time down to about the year 1811, that is, for a period of half a century, all the numerous votes of the Corporation, establishing the salaries annually, or making any special grants to instructors or officers, were uniformly presented to the Overseers for their approval; and what deserves to be particularly mentioned, were in every instance consented to and allowed by the latter Board. Such, then, was the universal rule during a part of the administration of President Holyoke, the whole of the time in which Presidents Locke, Langdon, Willard, and Webber were in office, and the first year of the Presidency of Dr. Kirkland.

On the 26th of November, 1810, the following votes were passed by the Corporation, prescribing the salaries of all the instructors and officers of the College, and making divers special grants, which

votes were laid before the Overseers for their approval, December 6th, 1810, viz. :—

"*Voted*, That there be granted to the Rev. Dr. Lathrop, for his services as Chairman of the Board, whilst the office of President was vacant, the sum of fifty dollars.

Voted, That there be granted to Professor Ware, for his services in assorting and filing the papers belonging to the College, and which were in the custody of the late President at his decease, the sum of twenty-five dollars.

Voted, That there be granted to Mr. Hedge, sixty-five dollars for his services in performing the chapel duties during the late vacancy of the office of President.

Voted, That there be allowed to the administratrix of the estate of the late President Webber, the salary for the quarter in which he died, deducting two hundred and seventy-six dollars, being the expenses incurred by the Board during that quarter, for services appertaining to the office of President.

Voted, That there be granted to Professor Ware, for his services and expenses in discharging duties appertaining to the office of President, during the late vacancy of that office, three hundred and fifty dollars, the fees he received for degrees being considered a part of that sum.

Voted, That the salaries last granted to the present Officers of the College,—that is to say :

To the President,	$2,250
The Secretary of the Overseers,	60
The Treasurer,	720
Hollis Professor of Divinity,	1,500
Hollis Professor of Mathematics, &c.	1,500
Hancock Professor of Hebrew and other Oriental Languages,	1,500
Boylston Professor of Rhetoric and Oratory,	1,500
College Professor of Logic, Ethics and Metaphysics,	1,500
To the several Tutors within the walls, viz:—Messrs. Levi Frisbie, Ashur Ware, and Wm. Pitt Preble, each,	660
The Librarian,	550
The two Proctors, each,	150

be their annual salaries, to be paid them quarter-yearly, until the same shall be altered by this Board, with the approbation of the Board of Overseers."

This last vote was passed during the first year of the Presidency of Dr. Kirkland; and it is apparent, that the intention was thenceforth not to prescribe annual salaries for the instructors and officers at the commencement of each financial year, as the custom had been, but to fix the same permanently, that is, by an order or vote, with a provision that the same should not be altered except by the concurrent action of both Boards. None of these salaries, so established as aforesaid, appear to have been changed, by virtue of any act of both Boards, in accordance with the terms of the above mentioned vote.

The Committee, in a cursory examination of the records from the beginning of the year 1811 to the present time, have noticed not more than three or four instances, in which votes, adopted by the Cor-

poration respecting salaries, have been presented by them to the Overseers for their consideration and approval.

Thus, then, the right of confirmation or revision, on the part of the Overseers respecting the votes and doings of the Corporation in relation to salaries and allowances to instructors and officers, was not only acknowledged in the year 1761 in a formal and solemn manner by the President and Fellows, but has been fully confirmed by the practice since that time.

The Committee requested the Treasurer to furnish to them a list of the present instructors and officers of the College, with the amount of the salary paid to each during the past year, appended to his name. The Treasurer very promptly complied with this request. They have not, however, found it convenient to make such particular inquiries respecting the several salaries specified in said list, as to enable them to form a very satisfactory opinion concerning the same; but the impression derived from this cursory examination is, that these salaries, as to the amount in each case, are suitable and proper in every instance but one, and that is the salary paid to the Treasurer.

It is believed that the allowance to the Treasurer has always been small. It appears by the vote heretofore cited, fixing the amount for the year 1761, that the regular salary of the Treasurer was forty pounds only, that is, about the sum of one hundred and thirty-three dollars.

Judge Davis held this office from 1810 to 1827, a period of seventeen years, and he received during

the whole time seven hundred and twenty dollars per annum, that being the salary fixed by the vote passed as aforesaid the latter part of the year 1810. He received nothing on account of the expense of clerk hire, rent of office, &c., and one of the Committee happens to know that Judge Davis employed a clerk, for whose services and other expenses he actually paid the whole of said sum of seven hundred and twenty dollars. He, therefore, *in fact*, received nothing for his services as Treasurer.

From the year 1827 to 1852, a period of twenty-five years, the office of Treasurer was held three years by Ebenezer Francis, Esq., twelve years by Thomas W. Ward, Esq., and ten years by Samuel A. Eliot, Esq.; and during the whole time about eight hundred dollars were applied annually to the payment of the amount of clerk hire and other necessary expenses in the office of the Treasurer, but no compensation was paid, *in fact* or *in form*, to the Treasurer for his own services, the same being rendered by him gratuitously. And it appears (as the Committee understand) by various votes of thanks and other resolutions, unanimously adopted by the Corporation, that in the opinion of the members of that Board the duties of Treasurer were never more promptly, efficiently and satisfactorily performed, than they were during said period of twenty-five years.

The Committee, therefore, are surprised to learn that the Corporation did, on or about a year prior to the resignation of Mr. Eliot, viz.:—about November 27, 1852, pass a vote, directing a salary of

fifteen hundred dollars to be paid to the Treasurer, which was over and above the usual allowance to him of about eight hundred dollars per annum, for expenses of clerk hire, rent of office, &c. Under such circumstances, it is difficult to comprehend for what reason said order or vote was adopted.

The Committee have no doubt that there are many highly respectable gentlemen in this community, of perfect responsibility and every way qualified for the situation, who would take this office, being one of high honor and dignity, and discharge its duties faithfully and satisfactorily without compensation. They therefore cannot, without further information than they have been able to obtain, perceive any good reason why the Government of the College may not save this sum of fifteen hundred dollars every year.

The vote, by which the Corporation undertook in 1852 to attach a salary of fifteen hundred dollars to the office of Treasurer, has never been presented to this Board; and the passing of the same by the Corporation furnishes, in the opinion of the Committee, pregnant evidence of the propriety of its being insisted upon by the Overseers, that they should have an opportunity to pass judgment upon every vote of the other Board in relation to salaries and allowances to officers and instructors.

As the above mentioned vote, which was passed in 1810, fixing the compensation of the Treasurer at seven hundred and twenty dollars, without any allowance for clerk hire and other expenses, has never been repealed or modified by both Boards, it is difficult to perceive why *that* sum should not be

regarded as the amount of his legal salary. The Treasurer, however, has for the last three years received about eight hundred dollars for clerk hire and other expenses each year, and as compensation for his services, the further sum of fifteen hundred dollars per annum. This surely is contrary to the aforesaid vote or order, adopted in 1810, which by its express terms was not to be altered, except by a vote of the Corporation, with the approbation of the Overseers.

The Overseers must always be anxious that the Corporation should exercise all the powers conferred upon it by the Constitution of the College, and that the efficiency of that Board should be preserved unimpaired, and all its rights and powers maintained in their original integrity.

The Corporation is certainly a very important body, and has on many trying and difficult occasions, during a period of two centuries, been the bulwark of the College. A large number of able, honorable and patriotic men have held seats in that Board, and the Presidential chair has been occupied by a long line of wise and venerable men, and never by one of more practical wisdom and more deserving the confidence of the friends of the College than the present incumbent.

The Overseers surely can have no desire to assert any rights, or claim any powers, which have not manifestly been conferred upon them. The Corporation, being a small body, and for that reason better qualified to manage all *business affairs* of the College, and to discharge every function of an *executive character*, it must be left to them to perform sub-

stantially all such duties as they have performed heretofore. Nothing will tend more to the promotion of harmony between the two Boards, than a manifestation, at all times, of readiness on the part of the Corporation to communicate to the Overseers all such votes and information as they ought, or may desire to have.

And while the Overseers should never manifest a disposition to interfere improperly in any matter whatever, or to do any thing which will be likely to embarrass the Corporation, yet it is the duty of this Board to exercise every power, which clearly belongs to it under the Constitution of the College.

The Committee will only add, that they have prepared a resolve, accompanying this Report, the object of which is that a few simple, joint rules should be prepared by a Committee of the Corporation, and a Committee of the Overseers, to be submitted to the two Boards respectively, by which the several irregularities herein considered, or referred to, may be corrected, and by which the respective powers, rights and duties of the two Boards may at all times be recognized and enforced.

All which is respectfully submitted by

GEORGE MOREY,
SAMUEL HOAR,
G. W. BLAGDEN,
H. B. WHEELWRIGHT.

Boston, January 31, 1856.

The foregoing Report, having been read and considered, was accepted without a division.

Mr. Morey, in behalf of the Committee, then presented the Resolve referred to in the concluding part of said Report, which being read, and the blank therein being, on the motion of Hon. Thomas Russell, filled with the names of the members of the Committee, who made the Report, was adopted as follows:

In Board of Overseers of Harvard College,
January 31st, A. D. 1856.

Resolved, That Hon. George Morey, Hon. Samuel Hoar, Rev. George W. Blagden, and Henry B. Wheelwright, Esq., be a Committee to confer with a like Committee of the President and Fellows, and agree upon such suitable Joint Rules as shall secure to the two Boards, as far as it may be practicable, their respective rights;—especially such Rules as shall regulate the intercourse between them, and provide for the prompt transmission of all such Votes of the Corporation to the Overseers as they may have a right to confirm or reject, revise or take action upon, or of which it may be fit and proper they should have possession and official knowledge; and said Committees shall report the result of their conferences and deliberations to their respective Boards.

REPORT

ON THE

RIGHTS AND DUTIES

OF THE

President and Fellows of Harvard College

IN RELATION TO THE

BOARD OF OVERSEERS.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.
1856.

REPORT.

The Committee appointed to confer with that appointed by the Honorable and Reverend the Board of Overseers, under their resolve of January 31st, 1856, and to take into consideration and report to this Board the nature and extent of the rights and powers claimed by them, and of the corresponding duties and obligations of this Board, and such other matters embraced in the Report by the Committee of the Overseers to that Board as should be thought proper, having attended to that duty, respectfully submit the following Report:

The Resolution of the Board of Overseers referred to above, was in these words: "*Resolved*, That Hon. George Morey, Hon. Samuel Hoar, Rev. George W. Blagden, and Henry B. Wheelwright, Esq. be a committee to confer with a like committee of the President and Fellows, and agree upon such suitable Joint Rules as shall secure to the two Boards, as far as it may be practicable, their respective rights; — especially such Rules as shall regulate the intercourse between them, and provide for the prompt transmission of all such Votes of the Corporation to the Overseers as they may have a right to confirm or reject, revise or take action upon, or of which it may be fit and proper that they should have possession and official knowledge; and said committees shall report the result of their conferences and deliberations to their respective Boards."

This Resolution, which was the only subject of official

communication to this Board, does not contemplate the appointment of a joint committee of the two Boards for the purpose of ascertaining their relative rights, powers, duties, and obligations, but only one of conference, for the establishment of joint rules for their preservation and enforcement as mutually recognized, and for regulating the intercourse between the two Boards concerning them. The circumstance that the Committee of the Board of Overseers had made an elaborate Report to them upon the nature and extent of those rights, powers, duties, and obligations, without any reference whatever to this Board, or any of its members, or any communication of their views upon those subjects, and the provision that each committee should report to its own Board the result of their conferences and deliberations, shows conclusively that any such joint inquiry or adjustment by the two Boards was not the purpose of the Resolution.

And your Committee were accordingly informed, at the first interview, that any official communication of that Report was purposely withheld, in the apprehension that, if thus transmitted to this Board, it might have led to an official reply, and an endless discussion might have been invoked, which it was thought advisable to avoid.

Upon inquiry, however, by your Committee, into the nature and extent of the rights claimed in behalf of the Board of Overseers, they were informed that those asserted in this Report were considered to be claimed and maintained by them by virtue of its acceptance; and were proposed to be the subjects of the joint rules to be prepared by the two committees; although it might be that, if the Committee of the Overseers should be convinced that any of them were not sustainable, the Overseers would probably, upon a report to that effect, adopt a corresponding modification of their claims.

The first meeting of the two committees was held on the twelfth day of April; but your Committee — being then first informed of the nature of the rights claimed by the

Overseers, and of the corresponding obligations to which the President and Fellows were invited to assent, and which were proposed to be the subjects of the joint rules which it was the only office of the two committees in joint session to provide, and considering also the very grave importance of them all, lying as they do at the foundation of the constitution of the College, and what seemed the novelty of some of them — were of course unprepared to act upon the question of establishing any such joint rules, without time for investigation into the proposed subjects of them; — an investigation which it was supposed might necessarily require much time, it appearing that a period of nine months had been taken for that which had resulted in the above-mentioned Report, on the same subjects, adopted by the Board of Overseers.

Your Committee have not thought it worth their while to inquire into the causes of this movement on the part of the Board of Overseers, nor into the existence of any other supposed grievances than those intimated in the Report of their Committee, the nature of which will be presently considered. Nor are they aware of any difficulties or inconveniences which have recently been experienced in the intercourse between the two Boards, requiring the establishment of a code of laws for its regulation, which the experience of two centuries seems to show were not before thought necessary. The College certainly never was in a more prosperous condition; it has never, in any period of its history, received more significant and gratifying proofs of public confidence and liberality than during the last ten years. Nor are the Committee aware of any complaint or embarrassment in the action of the two Boards, excepting in one instance, stated in the Report under consideration, and insisted on in one previously made in relation to an alleged irregularity, but which will be found in strict accordance with a general usage during the whole history of the College, and thus to have received the repeated sanction of the Board now making the imputation.

The intercourse between the two Boards for two centuries, with very few exceptions, has been eminently harmonious and honorable to both; and perhaps the more so from the absence of the desire on either side to enter into sharp definitions of reciprocal rights and obligations, which are rarely settled to mutual satisfaction by co-ordinate branches of government.

The Committee in their Report (pp. 3, 4) say: "It is somewhat remarkable, considering the various and important relations which exist between the Corporation and the Overseers, that from the beginning down to the present time, embracing a period of more than two centuries, not a single question touching the *relative powers, rights, and duties* of these two Boards has, so far as the Committee can learn, been brought to a legal decision, or been solemnly argued, or even presented by both parties in proper form for argument and adjudication."*

Your Committee cannot forbear the remark, that, if such be the history of the concurrent action of the two Boards for two centuries, and under which the College has advanced to its present unsurpassed eminence in the United States, and to the enjoyment of a degree of public confidence and liberality greater in the last quarter of a century than in any part of its previous history, it might lead its friends to doubt the expediency of awakening a discussion going to the foundation of all those relative powers, rights, and duties, the effects of which, in the possible controversies it may give birth to, and upon the position and character of the College, no one can foresee; and that they think it proper thus to record the fact, that it is not of the seeking of this Board, nor called for, as they believe, by any of its proceedings. But these questions being thus raised without the agency of this Board, its members can have no unwillingness to enter upon the fullest examination of them, having no motives nor interests but for the

* The italicizing in this and subsequent citations, unless otherwise denoted, is by the authors of the present Report.

ascertainment of the truth, and the establishment of the best interests of the College, the immediate administration of whose affairs they have hitherto supposed was intrusted to their care.

The Committee of the Overseers are pleased to admit that "the Corporation is a very important body in the constitution of the College, and has on many trying and difficult occasions during a period of two centuries been its bulwark." There is little reason to believe that such occasions will ever cease; and it is only to be hoped that its present and future members may continue to deserve the commendation thus bestowed upon the past, whenever any such may arise. Your Committee believe that the investigation thus called for by the Overseers must constitute a most important event, if not a crisis in the history of the College as deeply affecting its future welfare as any that has ever occurred in it. And they hope that they may be permitted, without disrespect to that honorable Board, to express their regret that the rights now asserted had not been made the subject of mutual investigation and inquiry by both Boards, instead of being thus constituted a portion of its organic law by one of them only, without reference to the other, and without, as the Committee are informed, any debate or deliberation by the Board when adopting the Report.

But these rights being asserted, and now insisted upon, by that Board, and the Corporation being called upon in a manner that allows of no alternative but that of admission or denial of them, nothing remains but a faithful inquiry into their validity, to which your Committee now humbly proceed. If, in the course of these remarks, they should express themselves with any seemingly undue earnestness or freedom, they trust that any such expressions will be attributed to the sincerity of their convictions, and their sense of the profound importance of the subject, and not to any the slightest intended disrespect to the Honorable the Board of Overseers, or the learned

Committee whose Report is thus inevitably brought under review.

The first and most essential step in this inquiry, is to ascertain and clearly define the nature and extent of the rights claimed for the Overseers in the Report under consideration.

These are nowhere distinctly set forth in precise articles or descriptions, but are to be gathered from somewhat general statements, and the collation of separate portions of the Report. They are, however, as is believed, described directly or incidentally with clearness and precision sufficient to leave no material doubt concerning them.

And here it should be premised, that the actual nature of any right claimed, and the extent to which, if existing, it may be lawfully carried and maintained at the will of the Overseers, is the only legitimate subject of inquiry; and not how far they would probably, or might reasonably, be expected to carry and maintain it; or how reasonable or useful the possession or exercise of such a right might be supposed to be in the particular cases or emergencies that have been in the Report, or may be elsewhere, suggested.

The rights claimed by the Overseers, and the corresponding obligations insisted upon as incumbent on the President and Fellows, are understood to be as follows: —

1. As to Finances. That the Corporation should not enter upon any unusual financial operation, such as the disposing of real estate in whole or in part, or erecting a new College hall, or chapel, or adopting any important change respecting the College funds, before making known their intentions to the Board of Overseers, so that they may express their approval, or interpose their objections, if they have any. And that this procedure is required by the constitution of the College, and necessary to give to the Overseers opportunity to exercise all the rights and powers belonging to them. (Report, pp. 9, 10.)

It is obvious, that, although the Committee seemingly confine the claim of the Overseers to the control of the finances of the College to cases of what they term unusual financial operations, all those named by way of illustration are such as are necessarily within the ordinary exercise of the duties of any College Corporation intrusted with its funds and the management of its affairs; and that such right of control, if existing, necessarily embraces all expenditures and investments of whatever nature. No line of distinction or exception is suggested in the Report. But it is manifest that, if this right belongs to the Overseers, it must be founded in the legislative acts establishing the two Boards, and there the distinction, if any such exists, can be shown. It is assuming nothing to say, that none has been or can be pointed out; and therefore that, if the authority exists in the Overseers to exercise this control in cases which they may from time to time be pleased to consider unusual, it does so equally in all others.

2. As to Donations. That official notice should be given to the Overseers by the Corporation of all gifts or bequests to the College; and that when any one is upon a particular condition, or accompanied by a special trust, the vote of the acceptance of the Corporation is not sufficient and complete until such vote is concurred in by the Overseers. (Rep. pp. 10, 11.) The Committee suggest a distinction between unconditional bequests or gifts and those attended with any qualification or special trust, not indeed as constituting any in the absolute right of the Overseers to object to its acceptance in the one case more than in the other, but merely as affecting the necessity of official notice to them. And it is undeniable, that, if they have such right in either case, they have it in both, for no such distinction can be found, or is pretended to exist, in the creation of their powers upon the subject of donations, under the Charters.

3. As to Appointments. That all appointments of instructors and officers of the College should be submitted to

the Overseers for confirmation; and that no such appointment takes effect until confirmation by them. (Rep. p. 14.)

4. As to Establishment of Professorships and other Offices. That when a new professorship or other office is established, it is incumbent upon the Corporation to send up the record of their action on the subject, and that the Corporation should not proceed to an election to fill any such professorship until its establishment shall have received the approval of the Overseers. And the sending up of such record, and the presenting of a vote appointing some one to fill the office, at the same time, is denounced as an irregularity of which the Corporation has been guilty, and which the Committee trust will not be repeated. (Rep. p. 14.)

5. As to Tenures of Office. That as a general rule the instructors or officers hold their offices during the pleasure of both Boards, and may be removed by them. And it is added, that, if by statute or vote a certain term or limited period is presented for an incumbent to hold any office, it is an irregularity for him to be permitted to remain in office after such term has expired; or for an appointee of the Corporation to continue as an instructor or officer after his nomination has been rejected by the Overseers. (Rep. p. 15.)

6. As to Salaries. That the action of the Corporation upon the subject of salaries of College officers or servants is subject to approval or rejection by the Overseers as matter of confirmation or revision; so that no establishment of a salary can become of legal validity until thus confirmed, or can continue so if disapproved of by them. And this, the Committee say, may be regarded as a matter free from all doubt. (Rep. pp. 15, 16, 17.)

7. As to the Salary of the Treasurer. That the present salary of the Treasurer is an unsuitable one; and that, the vote establishing it not having been confirmed by the Overseers, it is not lawfully payable. And the Committee add the expression of *their surprise to learn*, that about November 27, 1852, the Corporation passed a vote directing a salary of fifteen hundred dollars to be paid to him. And fur-

ther, that "it is difficult to comprehend for what reason said order or vote was adopted." (Rep. pp. 23, 24, 25, 26.)

From this statement of the claims of the Overseers, as set forth in the Report, and presented by their Committee as the subjects of the proposed joint rules, it is apparent that, if these views are correct, they possess substantially the whole control of the College, and have its management and interests entirely in their hands and at their will; and that the President and Fellows are nothing more than mere trustees, to hold the legal title of its estates, with a power of nomination to its offices, and of suggesting measures for its government; — that they have no power to acquire, by purchase, bequest, or gift, the most trifling amount of real or personal property; to make any investment, or any contract relating to the use, management, or investment of any; to expend a farthing of its funds or income, or enter into any agreement involving such expenditure; to make a single appointment of any person to any office or service, however menial; or do any act in its government, unless the same be authorized by some precedent grant of authority from the Overseers, express or implied, or be ratified by their subsequent approbation.

And that such is not an exaggerated statement of the necessary legal consequences of these alleged rights, if actually existing, is not only clear from the manner in which they are stated in the Report, but also from the language of the Committee, who, at the close, take care expressly to represent the duties of the Corporation as confined to *business affairs*, and the discharge of functions of an *executive character;* the italicizing being their own, seemingly for the purpose of the more emphatic expression of this conclusion. (Rep. p. 26.)

If this be the truth, it is certainly of extreme importance that it should be known, not only for the information of the State, which has a very profound interest in the College, as an institution to which it is greatly indebted for its intellectual advancement and its high position, but also, and

still more, for the information of those who may hereafter incline to endow the College, and those who may be invited to accept a trust presenting no inducements of public honor or emolument, requiring great, and oftentimes most inconvenient, expenditures of time and labor, attended not infrequently with painful and embarrassing perplexities, — a trust, moreover, exposing those who undertake it to injurious imputations and reproaches in public and in private, without having an opportunity of defence, and which no devotion to its service, however disinterested and earnest, and no prosperity of the institution, however manifest or unexampled, can prevent or modify, — placing them in agitating conflicts with those in high places for the preservation of its legal immunities, and leaving them wholly without other reward than the consciousness of duty faithfully attempted, though in efforts wholly unappreciated, and the gratifying evidence of the prosperity of the subject of their charge.

If to these considerations are to be added those of being held as the mere bailiffs of estates, substantially belonging to the Overseers, which can neither be acquired nor disposed of without their consent, and being accounted only as their servants in the administration of the "*business affairs*" of the College, with no power to act in any matter but at their bidding or by their permission, the inducements to assume the trust may be hereafter perhaps considered of less account than they hitherto have been, excepting to those who may anticipate personal advancement to themselves or their friends in taking upon themselves the office.

In thus exhibiting the true nature and consequences of the rights claimed by the Overseers, if susceptible of establishment, your Committee have no design to imply or intimate that any disposition on their part exists, or is at present to be apprehended, for the assertion and enforcement of them in the extreme manner suggested, or injuriously to the interests of the College as they understand those interests. But they will not be guilty of the affectation of con-

cealing their belief, nor of unworthy timidity in withholding the expression of it, that the time, under less favorable circumstances, may arrive, when it might be hazardous to the best interests of the College, if not to the purposes of its foundation, to have this unlimited power placed in the hands of any public body, the most influential members of which are in great part appointed at political elections, or by those deriving authority under them. No American citizen needs to be informed of the lengths to which the most honest and seemingly sincere men may be urged by political excitements in this country; and no one would wish to place within possible reach of their vortex any institution of public education and charity, if any alternative could be found. Under these circumstances, it becomes the imperative duty of this Board not to acquiesce in the claims thus made by the Board of Overseers, unless they can be maintained upon strictly legal foundations; while at the same time it is no less its duty frankly and cheerfully to acquiesce in all which may be found to be thus established. The Committee proceed, therefore, to lay before the Board the result of their investigations.

The two sources of information, by recourse to which these questions must be settled, are the Legislative Acts establishing the two Boards, and the history of the proceedings of the two Boards under those Acts.

An interesting and perhaps somewhat difficult question may exist as to the existence of any visitatorial power over the College existing in the State, beyond that which it has over all eleemosynary institutions, to secure the faithful administration of their funds and estates, for the purposes of their creation, through the instrumentality of its legal officers and judicial tribunals. But it is quite manifest that as this power, wherever existing, arises wholly from the grant of the property to be administered, and pertains only to the founder, or those to whom he has delegated it; and as the Overseers can in no sense be accounted the found-

ers of the College, and therefore, if they have any visitatorial powers, can have none beyond those delegated by the legislative acts relating to them and the charter of the College, the inquiry concerning the existence of the rights claimed must be confined to these acts and charters in the first instance, and the subsequent history of the College, as confirmatory or explanatory of them.

It is plain, however, that such history can only be available as an aid in the construction of the acts and charters in matters where they are equivocal or silent; and that no practice or mode of procedure, of however long continuance, can be of any avail to control or alter the express or plain provisions of the charter, or to operate as an abandonment of any right clearly vested by it. This point is fully conceded, or rather very emphatically asserted, by the Committee in their Report (p. 17), and is undoubtedly a sound canon of construction.

But although these legislative enactments are the only sources of the "relative powers, duties, and responsibilities of the Corporation and Overseers of Harvard College," which the Report under consideration purports to exhibit and establish, that document contains no allusion to the particular provisions of the act establishing the Board of Overseers, nor any reference to its contents other than the general remark, that "in the year 1642 the first Act was passed creating a government over this Seminary at Cambridge," and the setting forth the description of persons who were to compose the Board.* But it seems difficult to account for some of the positions taken in the Report, otherwise than upon the assumption that the Committee considered that Act a grant of the entire government of the College, both legislative and executive, and as vesting universal power and authority over it, which is still existing, excepting as modified by the charter. It is manifest, however, that this Act gave to them only certain limited powers

* See Appendix, No. I.

precisely specified; and that the nature of them, and the omission of all others, are elements material to be considered in attempts to ascertain with accuracy the "relative powers, duties, and responsibilities" of the two Boards.

The powers thus vested in them were those of making and establishing orders, statutes, and constitutions for the instituting, guiding, and furthering of the College and its members in piety, morality, and learning, provided that upon complaint they should repeal the same, if found injurious to the College or any member thereof, or to the public weal, *or stand accountable thereof to the next General Court;* and of dispensing, ordering, and managing to their use all gifts, legacies, bequeaths, revenues, lands, and donations. And these are all that were thus given to them. They were not empowered to make any appointment of the President or of any other officers, nor to receive or acquire, by purchase or gift, any estates, real or personal, with or without condition; nor to execute any orders or laws; nor to administer or interfere with the discipline or instruction of the College, excepting by the precedent establishment of orders, statutes, and constitutions for that purpose.

The power of appointing to office remained in the Legislature, as also that of acquiring or receiving estates for its use, as is virtually conceded in the Report (p. 5); and the execution of the laws and course of discipline and instruction were in the hands of the officers, subject only to legislative control.

If any doubt could be raised of the soundness of this construction, by reason of the use of the word "orders," as susceptible of an interpretation embracing appointments to office, and especial directions in particular cases, and acts of discipline, or of other interference in the management of College affairs, a moment's examination would dispel it. The connection in which this word is used with "statutes and constitutions," in the first instance, and the subsequent provision for the repeal of such orders, and the extravagant latitude of construction requisite for embracing appoint-

ments to office and acquisitions of estates in such use of the term in such connection, and the subsequent employment of it in the Charter of 1650, where it is used as identically synonymous with rules, or by-laws, and is believed to admit of no other construction, and the like use in the Appendix, must, it is believed, entirely dispose of any such question. The Overseers, therefore, by virtue of the act creating that Board, had only the power of enacting laws for the government of the College, and of administering its finances. They had no power of appointment to office; no right to receive, acquire, or hold any estates, real or personal; no right to execute laws, or administer discipline; were not trustees, even, in any true sense of the term; and were under no legal responsibilities for the use of property given for the College, the legal title to which remained in the Colonial government, and whose only power to prevent abuses in the administration of it was by withdrawing possession from them, or by discontinuing the Board. They were, therefore, merely *quasi* governors, appointed by the Colonial government over a College which, with all its estates, belonged exclusively to the Colony.

By the Charter of 1650 * the exercise of all these powers was vested primarily in the Corporation; and to that extent the grant of them to the Overseers was repealed and annulled; and they therefore retained or acquired only such as those enactments reserved, or vested in them.

As the argument in behalf of the claims made by the Overseers seems founded wholly upon the provision of this Charter, and of the enactment in 1657 called the Appendix,† a preliminary exposition of these Acts, and of what is believed to be the true meaning of their terms and provisions, will aid in the inquiry, how far they tend to sustain or disprove the validity of the claims under consideration. And this is deemed the more material, as it is feared that the mode of citation and reference, and of juxtaposition, adopt-

* Appendix, No. II. † Appendix, No. III.

ed by the Committee of the Overseers, may lead to misapprehensions, which it is impossible to suppose could have been intended or foreseen.

In this exposition the copies as printed in President Quincy's History of the College are adopted. And the divisions made by periods in the Charter will be denominated Clauses, for convenience of numbering and reference, and because of the obvious propriety of their being considered as thus distinctively and separately distinguished from others in the context, where that consideration becomes of any importance.

The Charter of 1650 commences with a preamble, merely setting forth the fact that the College had become the recipient of estates and gifts bestowed for its benefit, and that the minds of many were stirred up to like benevolence; thus impliedly presenting the necessity of an incorporated body for their reception and management, for the purposes of the institution.

The first clause incorporates several persons, therein named, to be a Corporation by the name of the President and Fellows of Harvard College, specifying their respective offices, to constitute the first Board; with a provision for the election by themselves of their successors, by the presence and consent of the Overseers, in perpetual succession; giving to the Corporation thus formed power "to purchase and acquire unto themselves, or take and receive upon free gift and donation, any lands, tenements, or hereditaments within the jurisdiction of Massachusetts, not exceeding five hundred pounds per annum, and any goods and sums of money whatsoever, to the use and behoof of the said President, Fellows, and scholars of said College, and to sue and plead or be sued and impleaded by the name aforesaid, in all courts of judicature within that jurisdiction."

The second clause gives to the President and any three of the Fellows power to appoint a seal for the Corporation.

The third authorizes "the President and Fellows, or

major part of them, from time to time to meet and choose such officers and servants for the College, and make such allowance to them, and them also to remove, and after death or removal to choose such others, and to make from time to time such orders and by-laws for the better ordering and carrying on of the work of the College, as they shall think fit: provided the said orders be allowed by the Overseers."

The fourth provides "that the President and Fellows, or major part of them, with the Treasurer, shall have power to make conclusive bargains for lands and tenements, to be purchased by the said Corporation for valuable considerations."

The fifth is in these words: "And for the better ordering of the government of the said College and Corporation, be it enacted, by the authority aforesaid, that the President and three more of the Fellows shall and may from time to time, upon due warning or notice given by the President to the rest, hold a meeting for the debating and concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods (provided that all the said disposings be according to the will of the donors); and for direction in all emergent occasions; execution of all orders and by-laws; and for the procuring of a general meeting of all the Overseers and Society in great and difficult cases; and in case of non-agreement; in all which cases aforesaid, the conclusion shall be made by the major part, the said President having a casting voice, the Overseers consenting thereunto; — and that all the aforesaid transactions shall tend to and for the use and behoof of the President and Fellows, scholars, and officers of the said College," &c.

The sixth provides that all estates of the College, not exceeding the value of five hundred pounds per annum, should be exempted from taxation.

And the seventh, that the President, Fellows, and scholars, together with the servants and other necessary officers to the said President or College appertaining, not exceed-

ten, to wit, three to the President and seven to the College belonging, shall be exempted from civil office and military exercises; and such of their estates not exceeding one hundred pounds a man shall be exempted from all taxes and rates.

From this full summary of the contents of the Charter, in its own language, it is obviously divisible into three distinct parts or sections: —

The *first*, consisting of the first four clauses, containing the incorporation, and a statement of its object, and vesting in the Board thus created certain carefully defined powers necessary for their accomplishment.

The *second*, consisting of the fifth clause, regulating its mode of action in the exercise of those powers, and enabling it to avail itself of the counsel and aid of the Overseers when desired.

And the *third*, embracing the sixth and seventh, providing for the exemption of the estates of the College from taxation, and of members of the Corporation and certain officers of the College from civil and military service, and their estates, to a certain extent, also from taxation.

The powers granted to the Corporation, — of acquiring by gift or purchase, and of holding, real and personal estates not exceeding in value the amount prescribed; to institute and defend suits; to appoint a seal; to appoint officers and servants; to appoint their salaries or allowances; to remove them and appoint others in their stead; to make bargains for lands and tenements for the use of the College; to conclude affairs concerning the profits and revenues of its estates, real and personal; to provide for all unexpected emergencies; to execute all orders and by-laws; and to call meetings of the Board of Overseers when it should think proper, in great and difficult cases and cases of non-agreement, — were unlimited, and without any right of interference or control on the part of the Overseers; and with no accountability to them; and no responsibility to any other person, or body, excepting that existing by law be-

tween all eleemosynary corporations and the government creating them, by which the latter has the unquestionable right of supervision and interference, by the agency of its judicial tribunals, to see to and enforce the faithful administration of the trusts for which they are established.

While to the Board of Overseers were reserved the highly important and responsible powers of negativing the election of officers and members of the Corporation; of dissenting to and rendering invalid any orders and by-laws enacted by the Corporation for the better ordering and carrying on of the work of the College; and of finally deciding upon all great and difficult cases, and cases of non-agreement, when called upon by the Corporation for aid and counsel.

As above shown, the Overseers, by the act creating their Board, had no other powers than those of enacting orders and by-laws, and administering the finances of the College; both of which were expressly conferred upon the Corporation, and therefore by necessity taken from them; they could make no pretence to any general visitatorial power or control, and clearly none such was given by this charter.

Such your Committee believe to be the true construction of this instrument, which, although seemingly somewhat obscure upon first perusal, on a careful examination presents, as they think, no serious difficulties of interpretation. Such, they would have said, is its clear and unquestionable legal meaning, were it not for the highly respectable authority by which this seems to be denied, and by which a contrary doctrine is attempted to be established, the grounds of which your Committee now proceed respectfully to examine. In doing so, however, they are somewhat embarrassed by inability to understand, from the Report to the Overseers, the precise clauses or provisions of the charter upon which it is intended to base the claims under consideration, excepting those of control over appointments and salaries, which seem to be rested entirely upon the third clause above cited (pp. 17, 18). And as this and the

fifth clause are those alone upon which any such pretensions can, as your Committee understand, be founded, it may be well to endeavor to ascertain their true construction before advancing to the consideration of the doctrine which they are relied upon to support.

The very precise language of the third clause, constituting in itself a period, and intervening between two other periods, each vesting in the Corporation an important and wholly independent power, in neither of which is any such right of control given to the Overseers, seems to your Committee to admit but of one rational and consistent construction, — so far as the consent of the Overseers may be supposed to be essential to the validity of any corporate act. This construction is, that such consent is thereby made essential only to the provision contained in that clause: and cannot be, by any reasonable interpretation, extended back so as to embrace acquisitions of estates, real or personal, by gift or purchase, or the power of instituting or defending suits, or the appointment of a seal; nor be extended forward to comprehend bargains for lands and tenements: or be in any wise made to reach to the administration of the College finances. Nor is there anything in the Report to the Overseers indicating that any such idea was entertained by their Committee.

Assuming, then, that the application of the words "provided the said orders be allowed by the Overseers," is to be confined to the third clause, the only inquiry is, what is meant by the word "orders"; — whether it is to be taken as embracing appointments and removals of officers and servants, and the making of allowances to them, as well as orders and by-laws for the better ordering and carrying on of the work of the College, or is to be confined to such orders and by-laws.

And your Committee find it difficult to believe that a doubt could arise, if the construction of the Charter were now for the first time presented for consideration, unembarrassed by any preconceived opinions or prejudices, or

any acts of the two Boards which may be supposed to call for the extending of the application of that word to all the previous subjects of this clause. It seems to them to be as clear as language can make it, that the word "orders" in the proviso has the same meaning that it has in the preceding portion of this clause. It surely cannot be pretended, that, when first employed, it means appointments to office or removals from it, or the establishment of salaries and allowances. It was certainly then used to express some other, further, and different act. And by what rule of construction can it be forced in the proviso to embrace important subjects not then included? But if doubt could otherwise rest upon it, all such must be removed when it is observed that the orders spoken of in the proviso are expressly declared to be the same as those previously mentioned; they are particularly described as "*the* SAID orders."

It is clearly thus used as synonymous with rules or statutes, as is constantly done in common parlance; and is not wholly expletive, as it may embrace statutes and rules, as well as by-laws technically so called, which might not otherwise be considered as included. And that such was the use intended is further most manifest, because if it were not, then it must have been used as descriptive of something else, and then no authority is given to the Overseers to disallow by-laws, for they are not in terms included in this proviso; either, therefore, they must be embraced in this word "orders," or the Overseers have no authority over them.

A further proof from the context of the Charter, if further could be desirable, is found in the fifth clause, whereby the President and Fellows are authorized to hold meetings "for the execution of all orders and by-laws" (p. 18). *These must of course be the same orders and by-laws mentioned in the third clause*, for the President and Fellows could have no right to execute any others; and how are they to meet for the execution of orders and by-laws which

had never been passed, and had no existence? or by what force of construction could the appointment and removal of officers and allowance of salaries be denominated *executions of orders and by-laws?*

Your Committee forbear further comment, excepting an allusion to the incredibility, that, if it were intended to submit to the control of the Overseers subjects so important as that of the appointment of officers and the allowance of salaries, to the extent in which the Committee of the Overseers understand the power given in this clause, it should have been left to such doubtful interpretation by the use of the word "orders" only in the proviso, — so entirely inapt to convey any clear or certain allusion to them, when the employment of direct and fitting terms would have been so natural and easy, not to say so unavoidable.

Believing it therefore clear, that the third clause gives to the Overseers no other power than that of affirming or disaffirming the orders and by-laws enacted by the Corporation, that is, all rules, statutes, and regulations, as indeed the word "orders" in its strict sense denotes, — including a wider range than the term "by-laws," which, however, it also embraces, — your Committee proceed to ascertain the true construction of the fifth clause.

In the consideration of this clause, the question is, to what cases the words, "in all which cases aforesaid, the conclusion shall be made by the major part, the said President having a casting voice, the Overseers consenting thereto," were intended to apply; — whether to all cases of exercise of the powers previously given to the Corporation, or to all those enumerated in this fifth clause, or to the great and difficult cases, and cases of non-agreement, stated in the immediately preceding sentences.

This clause, as has been suggested, is believed to have been intended only to *regulate the mode of action* of the Corporation in the exercise of the powers previously granted, and to enable it to avail itself of the counsel and aid of the Board of Overseers in the administering of affairs of

magnitude and difficulty, rendering such counsel and aid desirable.

There can be no doubt that all the powers ever exercised or claimed by the Corporation, excepting that of calling meetings of the Overseers for that purpose, were fully and effectively conferred upon it by the previous provisions of the Charter without the aid of this fifth clause. The power to receive estates by gift or purchase, "to the use and behoof of the President and Fellows of said College," legally and necessarily implies the power to manage such estates, to make investments, and to appropriate the income and revenues accruing therefrom to their benefit. The power to enact orders and by-laws necessarily and legally implies that of executing them, when, as in this case, the legislative and executive powers are vested in the same persons. The power of direction in all emergent occasions is necessarily and essentially incident by law to all persons and corporations, as an elementary right of self-preservation. Also the manner of calling meetings of the Board, and the giving of peculiar authority to the vote of the President, might have been left as proper subjects for orders or by-laws, and required no new gift of power for these purposes. But it was reasonable, and in ancient charters usual, for the Legislature to prescribe the mode of calling meetings; and fitting thus to secure the preponderance of the President's voice in debatable matters. Moreover, no order or by-law could have been enacted giving to the Corporation the right to call a meeting of the Overseers for the purpose of obtaining their counsel and advice. This additional power was therefore here granted; but it is to be observed, that it is one solely for the purpose of enabling the Corporation to obtain aid in exercise of the powers previously granted, and not of vesting in them any new authority, to be primarily exercised for any other object.

It is then to the first four clauses that we are to look for definitions of the powers granted, and the limitations intended to be imposed upon them. And in so doing we

find all of them accurately defined, and an express limitation carefully impressed upon two of them; namely, that of electing officers and members of the Board, and that of enacting orders and by-laws, — each being made expressly and individually subject for the validity of its exercise to the consent of the Board of Overseers. And it is certainly very remarkable, that, if the like limitation were intended to be imposed upon the exercise of all, or of any, of the other powers granted, it should not have been thus distinctly prescribed; and that, while these two were thus conspicuously distinguished from the rest by this limitation attached to each separately, the rest were left to the uncertain inferential application of another remote provision in a subsequent clause, clearly intended for purposes very different from that of definitions of the powers granted.

Again, in order to make these words, "the Overseers consenting thereunto," in the fifth clause, applicable to the acquisition of estates by donation and purchase, to investments, and financial operations other than those concerning income and revenues, and to appointments, it is necessary to carry back their operation, not only to all the acts mentioned in this clause, consisting of a distinct paragraph and period for purposes obviously peculiar to itself, but to all the provisions in the preceding clauses, including those to which the same limitation was severally and specifically attached; for none of these subjects can be pretended to be embraced in the fifth clause. And by the same reasoning, they must relate to the right of appointing a seal, and of suing and defending suits, — so that neither of those acts could be done without the previous consent of the Overseers, or be valid without their subsequent ratification; — a violence of construction which your Committee believe would be equally unparalleled in legal experience and rational criticism. Can it be for a moment seriously argued, that the Corporation, the sole legal owner of all the estates of the College and administrator of its revenues, cannot institute or defend a suit for their recovery

or protection, without the consent or approbation of the Overseers? or that the latter may abate such prosecution or defence, or compel its abandonment, at their pleasure? But this consequence would as inevitably follow from this construction, as would that of controlling the right of the Corporation to accept donations, to negotiate purchases or sales, to make investments other than of income, or to make appointments to offices of instruction or government.

But your Committee forbear to dwell longer upon such a question, not only because they cannot persuade themselves that it merits further discussion, but because they believe that, upon a careful consideration of this fifth clause, it is clear, beyond reasonable doubt, that the words "the Overseers consenting thereto," as used in it, have no retrospective operation beyond the provisions immediately preceding them, — for the decision of great and difficult cases, and cases of non-agreement of the Corporators, — when the Overseers may be called upon to aid in and finally determine such decision. All the other powers vested in the Corporation, or necessary for the administration of College affairs, had been given, as above shown, in the preceding clauses; and those to the effective exercise of which the consent of the Overseers was intended to be made necessary, were each distinctly and expressly made subject to it; and these words were here introduced for the sole purpose of defining the manner in which great and difficult cases, or cases of non-agreement, arising in the deliberations of the Corporation, should be decided upon appeal to the Overseers; their consent being thus made essential to the conclusion to which it was to relate, so that such conclusion would be of no validity without it.

That these words could not have been intended to have any further operation, is manifest from the nature of the preceding provisions in the first four clauses, and still more strikingly so from those preceding in this fifth clause. It would be practically absurd to make the legal validity of

every contract in the management of real estate, for hiring, leasing, repairing, insuring, and improving the same; of the expenditure, appropriation, or investment of every dollar of personal estate, and of the profit and revenues of lands and tenements; of the appropriation of all donations of personal estate; and of every contract with every officer, artificer, menial, servant, and laborer, involving the expenditure of a dime, — dependent upon the previous consent or subsequent approbation of the Overseers. It would be obviously impossible to make the binding force of all directions given by the Corporation in difficult and sudden emergencies, or, as they are denominated in the Charter, "emergent occasions," dependent upon such consent, which might not, and probably could not, be obtainable until long after the occasion had passed. It would be equally absurd, if not more so, to make the execution of the orders and by-laws, which had been already previously established by the approbation of the Overseers, dependent for its propriety and legal effect upon their subsequent consent; and especially when, as must often happen, the instant and effective and final execution of them would be demanded by their nature and objects, in order to protect the College from the ruinous consequences of lawless violence or misconduct. It would be, if possible, still more absurd, and certainly not less impracticable and inconsistent, to make the consent of the Board of Overseers necessary to *give validity to a call made upon them by the Corporation* to hold a meeting for aid and counsel in great and difficult cases, and cases of non-agreement, to which aid and counsel they are by this clause entitled.

But all these absurdities and unreasonable consequences, with the others above alluded to, must follow, if the words "the Overseers consenting thereto," in this fifth clause, are to be construed as extending farther back than to the provisions immediately preceding them, relating to "great and difficult cases, or cases of non-agreement," and as applying to its previous provisions. Whereas, if confined to

them, there is not only no absurdity, impracticability, or inconsistency involved, but the interpretation of the whole clause becomes simple, intelligible, and consistent with the most rigid rules of critical analysis and construction. And the circumstance that the Corporation is thus clothed with especial authority, in this formal manner, to call meetings of the Overseers to settle great and difficult cases, and cases of non-agreement, is of itself evidence that it was in such cases only that their decision was to be held necessary. Why give this particular power in these specified cases, if it was intended that the Overseers should be called upon to authorize or ratify, in all cases relating to the same subject, the proceedings of the Corporation?

Your Committee therefore respectfully but confidently submit, that, upon the legal construction of the Charter of 1650, the only acts of the Corporation to which the assent of the Board of Overseers was made essential, in order to give them permanent validity, were those of the election of officers and members of the Corporation; of enacting orders and by-laws, — which they understand to embrace all rules, statutes, and organic laws affecting the College government, or any department of it; and of deciding all great and difficult cases and cases of non-agreement presented for their decision at meetings of their Board called by the Corporation for that purpose.

It remains to consider what changes were made in these powers of the Overseers by the subsequent enactment of 1657, styled the Appendix.

1. That statute provides "that the Corporation shall have power from time to time to make such orders and by-laws, for the better ordering and carrying on of the work of the College, as they shall see cause, without dependence upon the consent of the Overseers *foregoing:* provided, always, that the Corporation shall be responsible unto, and those orders and by-laws shall be alterable by, the Overseers, according to their discretion."

2. And "that, when the Corporation shall hold a meet-

ing for agreeing with College servants, for making of orders and by-laws, for debating affairs concerning the profits and revenues of any lands or gifts, and the disposing thereof (provided that all the said disposals be according to the will of the donors), for managing of all emergent occasions, for the procuring of a general meeting of the Overseers and Society in great and difficult cases, and cases of non-agreement, and for all other College affairs to them pertaining, in all these cases the conclusion shall be valid, being made by the major part of the Corporation, the President having a casting vote. Provided always, that in these things also they be responsible to the Overseers as aforesaid."

3. It prescribes the mode of calling meetings of the Board.

Your Committee concur in the opinion expressed by the Committee of the Overseers (Rep. p. 16), "that the main, indeed almost the only object of the said Appendix, was to enable the Corporation to adopt votes and orders, which would become valid without the (previous) confirmation thereof by the Overseers." By the Charter, no order or by-law, or decision of a difficult case or case of non-agreement, calling for the advisory aid of the Overseers, could be valid, or of legal obligation, until their consent should have been given. It was plainly the purpose of this enactment to obviate those difficulties; and although the general language employed, declaring the Corporation to be responsible to the Overseers, might alone, or in other connections, be held to have a broader meaning, and to extend their authority so as to embrace a general visitatorial power, the limitations implied by the context conferring that responsibility, and the reasons before given in discussing the fifth section of the Charter, are entirely satisfactory to your Committee, that no intention existed by this act to enlarge the powers of the Overseers. They are confirmed in this view by the consideration that it is never mentioned, as they believe, in any subsequent record of the doings of either Board, nor in any of the legislative enactments concerning the College, excepting in one instance of a refer-

ence to it by the Corporation, in a vote of July 20, 1722, relating to an order or by-law, and in one by the Overseers in December, 1778, relating to appointments.

It is not referred to in the charters subsequently proposed where that of 1650 is recited, nor in the act of 1707, declaring the original Charter to be still valid, and not to have been repealed or annulled, as it certainly would have been if considered as containing a grant of essential powers not conferred by that Charter. Nor are the important subjects of appointments, acceptance of donations, and purchases of real and personal estate, or investments other than of income and profits, enumerated, as they certainly would have been if any increase of power was intended to be thereby given concerning them. It is indeed nowhere specifically relied upon by the Committee of the Overseers as a source of any new powers, or of the extension of former ones, but only as exchanging the right of confirmation for that of revision. (Rep. pp. 8, 16.)

In recurring to the second source of inquiry, — the History of the College, — it will be found far less satisfactory upon some of the matters under consideration than perhaps might have been anticipated; and is for several reasons less instructive than might be desired.

The entire dependence of the College upon annual grants of the Legislature for the support of the President, and, at times, of other of its officers, for a century and a quarter; the great personal influence of the members of the Board of Overseers during the Colonial and Provincial periods, composed as it was of the ruling magistrates and the clergy, whose authority in secular as well as in religious matters was little short of supreme; and the circumstance that the Charter was supposed to have been repealed with the Colonial Charter in 1684, and that the College was considered to be without one, and was under the management and control of the executive government from that time until the confirmation of the original one in 1707;

and the circumstance that donations were made to the Overseers, or subject to their disposal, — may well account for many otherwise seeming and unaccountable usurpations of power by the Legislature and the Overseers. In truth, there is scarcely any irregularity or unauthorized interference in College affairs by the Legislature or Overseers, for which a precedent may not be found in its history. This history is therefore to be studied and applied with peculiar care and discrimination, when adduced as authority for the exercise of power.

Again, it is evident that, while, on the one hand, proof of the exercise of authority claimed by the Overseers, and acquiesced in as such by the Corporation, has a strong tendency to prove its legitimacy, on the other hand, the fact that no reference has ever been made by the Corporation to the Overseers of any particular subject over which authority is now claimed, and that they have never required such reference, nor complained of its omission, is still more convincing proof that no such authority exists, especially if that subject be one of constant action by the Corporation.

The mere fact of occasional reference of questions or votes by the Corporation to the Overseers, and their consequent action upon them, has very little if any tendency to prove authority of the one to control the other in regard to the subjects of them. By the Charter, the Corporation is entitled to the advice and aid of the Overseers when called for, and is the sole judge when the right so to call exists; it is also natural and reasonable that the former, being a Board so small and comparatively humble, should desire the concurrence and countenance of the other in matters affecting the general conduct and popularity of the institution. Many votes and acts, therefore, may be, and always have been, and probably always will be, submitted to the Overseers by the Corporation for concurrence, or aid and counsel, — and in the determination of which the Corporation would acquiesce, though contrary to its own opinion, — and yet afford no just ground for the Overseers to

claim authority in any such, where their counsel and action were not invoked.

With these views of the College Charters and history, your Committee now proceed to the examination of the particular claims in question.

FINANCES.

The first of them, as stated in the Report of the Committee of the Overseers, relates to the finances, over the administration of which by the Corporation they claim unlimited right of supervision and control, as above shown (pp. 8, 9). It is expressly conceded in that Report (p. 9), "that a detailed statement of the condition of the College funds, and of all receipts and expenditures, is made annually by the Treasurer to the government of the University, which is examined by a committee of the Corporation and Overseers, whose certificate or report is presented to the Overseers at their annual meeting." And it might have been added, that this report is accompanied by, or annexed to, the detailed statement, and all are printed and annually distributed among the Overseers, so that every member of that Board has put into his hands, year after year, precise information of all details concerning the administration of the estates and funds of the College, and thus has every opportunity for knowing whether there has been any, the slightest neglect or violation of duty on the part of the Treasurer or Corporation. Moreover, the history of the College finances proves that the system pursued by the Corporation has thus far been found unsurpassed, if not unequalled, so far as the fidelity with which its estates and funds have been managed is involved.

No misconduct, irregularity, or mistake, requiring the application of any new set of rules, is pointed out or suggested in the Report. The Committee (Rep. pp. 9, 10)

admit that "it has not been the practice of the Corporation to make any separate communication to the Overseers of their doings in relation to the finances"; which shows that the whole history of the College is against the practical assertion by the Overseers, or acknowledgment by the Corporation, of any such right. And no particular clause in the Charter is cited or referred to in this connection with especial application to this claim. Your Committee therefore are equally at a loss to understand its foundation, or the motive for desiring any further rules upon the subject, or any agitation of it at this time.

Three fragmentary citations from the Charter are made, as the sources on which the various claims of the Overseers are understood to be founded. The first, touching the power of the Corporation "to purchase or otherwise acquire real estate or personal property, and to hold the same for the use and behoof of the President, Fellows, scholars, and officers of said College." The second, relating to choice of officers and servants, and allowance of their salaries, and the making of orders and by-laws. And the third, concerning the profits and revenues of lands and disposing of goods. (Rep. pp. 5, 6.)

The first has in itself plainly no tendency to support this claim; on the contrary, the power to acquire and hold real and personal estate would naturally imply that of erecting halls and chapels, &c., and making investments, and keeping the estates in repair and insured.

The second is thus stated: "It is also enacted in said Charter, that the said Corporation, or the major part of them, may meet and choose such officers and servants for the College, and make such allowance to them, and them also to remove, and after death or removal to choose such others, and to make from time to time such orders and by-laws for the better ordering and carrying on the work of the College, as they shall think fit: *provided the said orders be allowed by the Overseers.*" The italicizing is by the Committee.

This citation surely can have no tendency to support the claim under consideration, unless the words in italics be carried back so as to relate, not only to the provision in the citation first made concerning acquisitions of estates, &c., but also to other provisions intervening, — a construction which, for the reasons above stated (pp. 15–23) and the context, it seems impossible reasonably to contend for.

The third is quoted in these words: "And it is further provided by said Act, that the President and three or more of the Fellows may hold a meeting for the debating and concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods, &c.; in all which cases aforesaid the conclusion shall be made by the major part, the said President having a casting vote, *the Overseers consenting thereunto*." This italicizing is also by the Committee. (Rep. pp. 5, 6.)

This, therefore, it is presumed, must be the citation relied upon by the Committee as vesting in the Overseers the authority claimed over the finances of the College.

And if the words, "in all which cases aforesaid the conclusion shall be made by the major part, *the Overseers consenting thereunto*," did in fact follow, in the Charter, in immediate sequence upon the words, "for the debating and concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods," (as this citation indicates, and would naturally lead one to infer,) without any intervening sentences to which they might apply, and which might satisfactorily answer to and explain them without supposing them to relate at all to "profits and revenues of lands and disposing of goods," the inference would certainly appear reasonable, if not entirely satisfactory, that it was intended thus to vest in the Overseers supervisory control over the financial affairs of the College; and to make their consent essential to the validity of all expenditures of income from real estate, and all investments made by the Corporation.

But unfortunately for any such argument or inference,

this third citation is of *detached and widely separated portions only of the clause* in the Charter from which they are taken, as may be seen by reference to the whole context copied above (p. 18), composing the fifth clause; and there *are intervening sentences between these portions upon other subjects entirely foreign to "profits and revenues of lands and disposing of goods," — to some of which, immediately following those words*, it is impossible to suppose that the other words, "the Overseers consenting thereunto," could have been intended to apply; *and other sentences upon other subjects, at the close and immediately preceding those last named*, to which it is not only reasonable, and perfectly consistent with the whole context, that they should be applied, but to which, for the reasons above stated (pp. 23–28), in the endeavor to ascertain the true construction of the Charter, it is believed to be morally certain that they were *intended solely to apply*. No reliance, therefore, as your Committee believe, can justly be placed on this fifth clause in support of the claims now under consideration.

Among the principal "financial operations" alluded to by the Committee in their Report (p. 10) as those over which they claim that the Overseers should have this control, are "those of erecting a new College hall or chapel." But it seems to your Committee, that they entirely omit any allusion to the clause in the Charter whence the power of the Corporation in these matters is plainly to be derived; although it immediately follows their second citation, and is contained in the same paragraph with it.

It is in these words: "And also that *the President and Fellows*, or *major part of them*, *with the Treasurer*, shall have power to make *conclusive* bargains for *lands* and *tenements*, to be purchased by the said Corporation for valuable consideration." This certainly must include the power to erect or build tenements, or halls and chapels, as identical with or necessary to their full beneficial exercise. It surely will not be seriously questioned whether a power to pur-

chase lands and tenements includes that of erecting buildings on land purchased for that use. And if the framers of the Charter intended to make the exercise of these powers dependent for its validity upon the prior consent of the Overseers, or their subsequent ratification, it is certainly most remarkable that they should have placed this clause immediately after that relating to the enactment by the Corporation of orders and by-laws, to the validity of which such consent is expressly made essential, and attach no such provision to this, — both, too, being in the same paragraph. It is believed that no clearer case of construction can be presented or imagined, by which an intention to vest this power in the Corporation, without any such limitation, could be made manifest.

The views above taken of the Appendix render further comment upon it in this connection needless. But it is strikingly observable, that no allusion whatever is made in it to this most essential power of purchasing or otherwise acquiring real estates, in the enumeration of those mentioned in it. There is not to be found in the Charter or Appendix a word upon the subject of sales of lands, and this omission appears subsequently to have created doubts of the power of the Corporation to make any. No argument therefore can be deduced from either of these enactments in support of the claim, now sought to be established by the Overseers, of right of control over them.

Your Committee therefore confidently submit, that neither the Charter nor the Appendix affords any reasonable ground for the claim made by the Overseers to control the administration of the College finances.

In adverting to its history upon this subject, we start with the admission by the Committee in their Report (pp. 9, 10), that "it has not been the practice of the Corporation to make any separate communication to the Overseers of their doings in relation to the finances," — the annual report by the Treasurer of receipts and expenditures being all that has been submitted to them. But the Committee

now claim, that, when important expenditures *are in contemplation*, the subject should be submitted to the Overseers for their approval or rejection; thus introducing an entirely new subject of communication with that Board. No line of demarcation is suggested, by which it can be determined what operations should be deemed unusual, or of sufficient importance to be thus submitted to the control of the Overseers, — nor any means of avoiding differences of opinion upon that subject; but as this power of the Overseers, if they have any, extends from the payment of the day's work of a laborer, up to that of the cost of a hall or chapel, it is obvious that the latitude existing for such differences would probably lead to many difficulties in the practical application of any rules that could be framed. The history of the College is believed by your Committee to be conclusive against any such claim.

In regard to sales of lands, it appears that, up to the year 1783, it was supposed that the Corporation had no power to sell lands belonging to it, without a special act of the Legislature for that purpose; and accordingly applications were at several times made by the Corporation for such leave, sometimes with and sometimes without the concurrence of the Overseers. In 1754, the Overseers advised the Corporation to obtain from the Legislature general leave to sell, with the advice and consent of the Overseers, such lands as were or should be received upon mortgage, or taken in execution for debt; and such an act was procured. But it is obvious that this was merely a legislative investment of authority, that could not be extended beyond its precise object, as stated in the enactment; and it has no tendency to aid in an inquiry concerning the general powers of the Overseers, otherwise than as it is a very clear admission on their part that they possessed no power to make or authorize sales, as is also their subsequent vote next hereafter mentioned.

In modern times no such act would be considered of any importance, as it is perfectly well established that, by the

common law, a corporation with authority to acquire and hold lands has the power also to sell them, as necessarily incident to such tenure. In February, 1783, "the Overseers voted that the Corporation be desired to inquire whether they are at present empowered, with the consent of the Overseers, to alienate lands belonging to the College; and if they are not, to apply to the General Court for a law granting them that power." There is no evidence that the Corporation ever applied for such law, or that any such was ever enacted; it having probably been ascertained, upon legal investigation, that the Corporation possessed the power as inherent to it by the common law. About that time a special act was passed authorizing the Corporation to convey a township in Maine to one Peabody; but he, and not the Corporation, was the applicant for that act. From that period down to the year 1803 there were various sales of real estate, and in most cases, if not in all, the votes of the Corporation were referred to the Overseers, — being usually to sell, provided that the Overseers should approve or concur. Since that period it appears that the Corporation has exercised its clear legal right to make sales of lands in numerous cases, without seeking for the concurrence or approbation of the Overseers in any of them, including that of the Parkman Township in Maine; all which must have been known to the Overseers, the proceeds being set forth distinctly in the Treasurer's annual accounts.

With regard to investments, it appears that in 1730 the Overseers advised the Corporation to let out funds on bills of credit; and in 1736 they voted that "the College Treasurer should call in the College money let out on bonds, the value of which is not ascertained, and let out said money agreeably to the advice of the Board." There is no evidence known to your Committee that the Corporation had asked for advice upon this subject, or ever acted in accordance with that thus given. It is however too plain for argument, that no such vote, unless upon a matter submitted

by the Corporation, could be of any legal obligation upon it, or could be reasonably cited in support of authority so to control it.

With these exceptions, if they be such, your Committee are unable to find any instances in which the Overseers have ever sought or claimed the right to interfere with or control the investments of College funds. And when the great numbers of them, in the different departments, which have been continually made, are taken into consideration, with the circumstance that they are always made subjects of statement in the Treasurer's Reports, so that their existence is brought constantly to the notice of the Overseers, it certainly seems marvellous that no occasion has been found, or attempt made, for the exercise of a power of such vital importance, if existing.

With regard to purchases of lands, your Committee are unable to find any instance in which the consent or concurrence of the Overseers has been sought for or given, or in which the omission to apply for it has been the subject of any remonstrance or complaint, although many such purchases, and some of great importance and notoriety, have been made; as, for instance, the granite buildings in Brattle Street in Boston, and the lands adjacent to the Observatory.

All the College buildings which were erected after the enactment of the Charter, and prior to the year 1803, were built with funds obtained wholly or chiefly by grants from the State, which were usually obtained from the General Court, by the aid or with the countenance of the Overseers, whose influence in obtaining them was of course very great, if not essential. And no argument in favor of any power of control on their part in other cases can be framed on such concurrence or consent. But since the year 1803, Stoughton Hall, Holworthy Hall, Gore Hall, University Hall, and Dane Hall have been erected, and Harvard Hall altered at great expense, by the Corporation, without any reference to the concurrence or consent of the Overseers, and without

the slightest suggestion on their part that any such was necessary or should have been sought for. And, in fine, during the past half-century and more, not an instance can be found, as your Committee believe, in which the Corporation has ever sought for or had the consent or advice of the Overseers in any financial operation whatsoever.

So far, therefore, as history is to be relied upon in deciding the question of the validity of this claim, your Committee submit that it is impossible to imagine a stronger proof that it has no just foundation. They are, however, unwilling to leave the just results of their historical research upon these subjects here.

They submit, that these results are highly confirmatory of the construction which they have above given to the Charter and Appendix, in saying that the limitations contained in the terms, "*provided the said orders be allowed by the Overseers*" in the third clause, must be confined to rules, statutes, and by-laws, and cannot be extended back to relate to acquisitions of lands by purchase or otherwise, or the incidental power of selling them; and that the limitation in the words, "*the Overseers consenting thereunto*," in the fifth clause, must be confined to the immediately preceding sentences, relating to "great and difficult cases and cases of non-agreement," and cannot be carried back to refer to "concluding of affairs concerning profits and revenues of lands and disposing of goods," or to any anterior provisions in the Charter; and that the Appendix cannot be considered as enlarging the powers of the Overseers on these subjects. For if those provisions, or any other in the Charter or Appendix, vested in the Overseers the great powers of supervising and controlling all important investments of College funds, all purchases and sales of its real estate, and erections and alterations of all College buildings, — powers, the exercise of which underlies the very existence of the College, as a practical institution, which are of constant daily application, and necessarily involving the frequent expenditure of very large amounts of its re-

sources, — how is it possible to account for the entire omission of the Corporation to recognize some of them at any time, and every one of them for the past half-century, and for the like entire acquiescence of the Overseers in such omissions, when, if they had these powers, there could be no others which it was more imperatively their duty to exercise?

DONATIONS.

The next subject presented for consideration by the Report, and one of importance not less grave, is that of Donations, — the acceptance or rejection of which the Overseers claim to be subject to their control. This claim is of peculiar interest, inasmuch as the means of instituting new schools, and new foundations for instruction, or charitable aid to students, and of increasing the library and philosophical apparatus, and cabinets and other appliances for advancement in letters, science, and art, always have been, and probably ever must be, mainly dependent upon this source; the income of the College subject to general appropriation having been hitherto barely sufficient for its other necessary expenditures, and it being desirable to continue such exclusive application of it, in order to reduce as far as possible the cost of education within its walls. And it is to this source chiefly, in the munificence of private individuals, that the pre-eminence of this institution over all others in this country in its means of instruction is owing. It has attained to this pre-eminence certainly without any practical exercise of such power as the Overseers now claim; and under the generally prevailing belief, that the Corporation has the exclusive power of acquiring and administering its finances. And regarding the sensitiveness of public opinion upon monetary investment, and the great care with which benefactors of public institutions look to permanence in the safety and appropriation of their gifts, it is at least questionable

whether so great a change as is now proposed would be for the benefit of the College; — to say nothing of the unwillingness of many of those who may intend benefactions to have their motives and designs thus made matter of public debate, and exposed to what might seem to them or their heirs disparaging rejection. And that these are not merely fanciful apprehensions, your Committee are able to affirm from their own knowledge that, in two instances at least, intended donations by will, and one of them of a very large amount, have been already revoked in consequence of recent attempts in the Legislature to alter the Charter and reorganize the Corporation, and of the agitation of the questions now under discussion; and that these objections have been made by one of the most liberal living benefactors of the College in reference to future gifts. They feel, therefore, that no trust committed to their keeping is more solemn or sacred than that of firmly maintaining the powers which they believe to be vested in them by the constitution of the College for the care and administration of its estates.

Upon this subject the claim made in the Report is, that the Overseers may well have a right to expect that the Corporation will give them official notice of every simple bequest, or gift, unaccompanied with any qualification or condition; although, under ordinary circumstances, it might not be deemed matter of any great importance. But that when any donation is upon a particular condition, or is accompanied by a special trust, *the vote of acceptance by the Corporation is not sufficient and complete* until concurred in by the Board of Overseers. (Rep. p. 10.)

In this instance also the Committee make no reference to any particular clause or provision upon which this right is claimed, but leave it to rest without designation upon some one or more of the fragmentary citations from the Charter or Appendix made in their Report, or upon some principle of which your Committee is uninformed. The only provision in the Charter which they can imagine to

be supposed to have any bearing upon the question, is that in the first clause, in the words immediately following those creating the Corporation, and commencing the description of its powers, and which are as follows: "shall and may purchase and acquire to themselves, or take and receive upon free gift and donation, any lands, tenements, or hereditaments, within this jurisdiction of the Massachusetts, not exceeding £ 500 per annum, and any goods and sums of money whatsoever, to the use and behoof of the said President, Fellows, and scholars of the said College; and also may sue and plead, or be sued and impleaded, by the name aforesaid, in all courts and places of judicature within the jurisdiction aforesaid"; — thus ending with a period and concluding a paragraph, having no reference whatever to the consent of the Overseers as being essential to the validity of such acceptance.

The next clause includes only authority to appoint a seal. The third gives the power of choosing officers and servants and of establishing their salaries, — and of making orders and by-laws, "provided the said orders be allowed by the Overseers"; and the fourth, that of making conclusive bargains for the purchase of lands and tenements. The fifth does not mention the subject of accepting or receiving of donations. Nor is it named in the Appendix.

Your Committee are not aware that any stress is intended to be laid upon the word *free* as used in the first clause, as being intended to vest in the Corporation power to receive only gifts unencumbered by conditions, or especial trusts. Such construction would obviously deprive it of all power to receive any gifts unless thus unencumbered, and so render the great majority of past acceptances invalid. Nor could any consent of the Overseers cure the difficulty, for they clearly have no power to approve of any which the Corporation has not the right to receive. The word *free* is obviously used there to distinguish gifts from purchases or donations requiring a consideration for the benefit of the donors, vendors, or grantors.

Your Committee, from this summary of the Charter, consider it too plain for argument, that no authority is vested by it in the Overseers to control the Corporation, or interfere with its action upon the subject of donations; deeming the impossibility of applying the proviso above quoted, or that in the fifth clause, to this subject, upon any construction, however latitudinarian or strained, to be too apparent to need further answer.

But although the Committee of the Overseers do not refer to any express provision in the Charter in support of this claim, they do attempt to support it by the statement of a reason, which they think entirely satisfactory, founded in a supposed necessity growing out of an imagined liability on their part, rendering its exercise essential to their self-protection.

They say that they "are persuaded that the vote of the acceptance by the Corporation is not sufficient and complete until such vote is concurred in by this Board (of the Overseers). *Otherwise the Overseers might be obliged or compelled by an order of court to aid in the execution of a trust which they have not sanctioned, nor ever would have consented to, if the same had been laid before them for their approval.* The Committee *therefore* are of opinion, that it is the duty of the Corporation to submit to this Board the question of the acceptance of every donation accompanied by a special trust, or imposing some particular obligation upon the government of the College." (Rep. pp. 10, 11.)

Your Committee desire humbly to say, with all respect to the learned Committee by whom the Report was made, and the Honorable Board by whom it was adopted, that they are as unable to find in what code of laws, or upon what legal principle, any such liability of the Overseers can be supposed to exist, as they are to discover in what part of the constitution of the College the power thus claimed resides. The idea that a body, established with visitatorial or supervisory powers only over certain acts of a corporation, but having no legal or beneficial title to any of

its estates, no corporate seal, and no ability to originate any act upon which the question of its liability could arise, and responsible only for the exercise of an honest discretion in approving or disaffirming of those acts, the corporation alone being intrusted with the primary administration of its affairs and estates, can be liable to be sued at common law, or in equity, and compelled to give its assent to such acts against its own judgment and will, — seems to your Committee, in all humility, a novelty in jurisprudence, the authority of which they are not prepared to recognize.

Besides, if it were admitted that such liability under any circumstances exists, it seems to your Committee obvious, that, as the only duty imposed upon the Overseers is that of the exercise of an honest judgment in matters submitted to them by the Corporation, that judgment being made in itself conclusive, no court or other human power could lawfully interfere to compel their assent to a measure which in such exercise of judgment they should disapprove: *for the constitution of the College, and the law in reference to it, make that judgment final and without appeal.* It could therefore be only in cases of factious, oppressive, or corrupt refusal to give assent to acts of the Corporation lawfully requiring it, that any judicial authority could be applied, supposing that the right of appeal to such could ever exist. And of course such cases must be supposed impossible.

Your Committee therefore are unable to find in the Charters, or in the reasoning set forth in the Report to the Overseers, any ground upon which they could feel justified in recommending to this Board the surrender of a right, which they have hitherto always understood to be vested in it, and one which it is their duty to maintain.

They turn, therefore, to the only remaining evidence adduced in support of this claim, and which is supposed to be found in the history of the College upon this subject. They would premise, however, that, even if such history

gave seeming authority for it, they should think it an unsatisfactory argument in support of one so manifestly, in their judgment, against the plain provisions of the Charter; for they entirely agree with the Committee of the Overseers in their views with regard to the influence of any such history in such cases, as expressed in their Report (p. 17), though they do not apprehend the need of resorting to any such principle in this investigation.

It is further manifest, that the mere circumstance of sending up by the Corporation of votes accepting important donations, where no questions had arisen, even if the instances were numerous, would have but little tendency to establish an obligation to do so on the ground that the consent of the Overseers was essential; inasmuch as such procedure would be amply accounted for by the consideration, that the joint action of the two Boards would be a more emphatic and grateful acknowledgment of the favor, than the act of one only. And this would be especially so in the early history of the College, when the Board of Overseers was composed in the manner and exercised the influence above stated. Still, as before, your Committee are not aware of any need of this or any other salvo, as the cases of such reference to the Overseers, cited by the Committee in their Report, or discovered on the records, instead of being numerous, are very few, and scattered over great spaces of time.

Again, it is obvious that cases in which donations were given as foundations for new professorships, and in which the vote accepting the donation, and the orders and rules for the establishment and government of the professorship, were sent up together, as constituting the entire proceedings of the Corporation on the subject, are not in point to show any recognition of a corresponding obligation to send up the acceptance alone considered for confirmation. The validity of the orders and rules unquestionably demands such concurrence.

In confirmation of their views upon this subject, the

Committee of the Overseers refer to the establishment of the Hollis Professorship of Divinity, — which, being the first professorship instituted in the College, may doubtless with propriety deserve notice in this relation. But all which they state is, that "it appears by the records of this Board (of Overseers), that the proposal of Mr. Hollis to endow a Professorship of Divinity was by the Corporation laid before the Overseers, who expressed much gratification on the occasion, and appointed a committee to prepare an appropriate letter of thanks to this distinguished benefactor of the College." (Rep. p. 11.) The date of this vote is not given, but it was in January, 1722.

The only inference seemingly intended to be drawn from this citation is, that the Corporation acted under the acknowledged obligation to send up for concurrence and approbation the acceptance of a proposal for an endowment. But upon turning to the records of the Corporation, we find that in April, 1721, they first received notice of the intention of Mr. Hollis to found such a professorship, with certain rules and orders proposed by him for its government; and that on the twenty-first day of June following they passed a vote returning to him their thanks for his bounty, and expressive of their approbation of the proposed rules; and on the twenty-eighth day of the same month elected Mr. Wigglesworth a professor, and sent to Mr. Hollis the nomination for his approval. In January, 1722, they for the first time laid the subject before the Overseers, as "the pious and generous proposal of Mr. Thomas Hollis, of London, merchant, for the establishment and endowing of a resident Professor of Divinity at the said College, including a draught of rules and orders relating to the said professor." The Overseers, after some debate, voted to establish the professorship; and the rules and orders, with some amendments, were adopted. And at an adjourned meeting the appointment of Mr. Wigglesworth, who had in the mean time been again elected by the Corporation to the chair of the professorship, for reasons of policy

not necessary to be here stated, was confirmed. So far, therefore, from the Corporation's having acted upon any received understanding, or implied admission, of an obligation to ask for the consent of the Overseers to the acceptance of a donation, the case, taken in all its connections, seems to your Committee rather confirmatory of the contrary doctrine.

The Committee add, that, "at divers times, questions respecting donations have been presented to the Overseers and acted upon by them, *and votes of thanks to the donors* have often been passed." No particulars are stated, and no references made, by which the pertinence of the cases referred to may be ascertained; but if all that appears "is that votes of thanks were passed," it amounts to very little towards sustaining the claim made of a right to reject the gifts.

After this introductory example and general remark, the Committee of the Overseers proceed to adduce four other instances of the action of the two Boards on the subject of donations, ranging from the year 1791 to the year 1855, a period of sixty-four years, — the first also occurring one hundred and forty-one years after the date of the Charter, — in order to show "*what has been the practice in this respect.*" (Rep. p. 11.)

The first cited is that of the bequest by the Hon. James Bowdoin of £ 400, in 1791, seventy years after the Hollis donation before mentioned, for the providing of premiums for Dissertations. The Committee in their Report to the Overseers set forth the preamble and vote of the Corporation accepting the "legacy upon the conditions pointed out by the testator," *and authorizing the Treasurer of the College to receive the same;* and that, this vote being presented to the Overseers, they voted to concur with the Corporation in accepting the legacy, and *in appointing* the Treasurer to receive it; that a committee of the Overseers was then appointed to consider what was proper to be entered on their records relative to this legacy, which committee

made a report expressive of the sense entertained by the Board of the attachment of Mr. Bowdoin to the College, and of his eminent services in its behalf, and the same was adopted. And this is put forth as proof of the practice of the Corporation to send up votes of acceptance of donations to the Overseers, and of the necessity of their concurrence therein to render them effectual or complete.

When it is remembered that Mr. Bowdoin had long been the most active and generous member of the Board of Overseers, and had rendered in many ways distinguished services to the College, — and when it is seen that, after the passing of the vote of concurrence, which in ordinary circumstances was all that would have been done, an especial complimentary additional one in reference to his services was also passed, — these proceedings might be considered as very satisfactorily accounted for, without supposing them founded in any sense of duty on the part of the Corporation, or any claim of right by the Overseers, making necessary their confirmation of the acceptance of the gift. But if the Committee had pushed their inquiries a little further, and examined the will by which this gift was made, they would have found that *a concurrent vote was, by the terms of the donation, made essential to the reception of the money by the College.* It contains this provision: "The four hundred pounds aforesaid to be paid *to whomsoever the Overseers and the Corporation* of the University shall empower to receive the same." It cannot, therefore, be relied upon as a case showing a practice founded upon a principle recognized by either Board, — nor indeed any practice whatever.

The next case cited is that of the gift by deed by Mr. Parkman of a township in Maine, represented as in 1814, for the establishment of another religious professorship in the College. But the only proceedings referred to are the vote of the Corporation in that year, "that the documents relating to the donation of Samuel Parkman, Esq., of a township of land for the purpose of promoting the interests

of religion and science, and of religious and scientific education in the University, with the vote of the President and Fellows on the subject, be laid before the Honorable and Reverend the Overseers, and they be requested, if they see fit, to concur in said vote," and the fact that the same was concurred in by the Overseers. (Rep. p. 12.) The vote of the Corporation here referred to was one passed upon the receiving of the deed at that time, and was to accept the donation upon the conditions imposed. The Committee omit to cite the vote of the Corporation in February, 1813, a year previously, to receive the proffered donation of Mr. Parkman for the support of an additional theological professor, which appears never to have been sent to the Overseers. And they also omit the subsequent vote of the Corporation, accepting a donation of five thousand dollars for the purpose of completing the foundation of that professorship in 1840, on the conditions proposed, the consent of the Overseers to which appears never to have been received or asked for, or made a subject of inquiry. The whole case, therefore, is one at best of very doubtful authority for the claimants.

The third case relied upon is that of the donation of the Hon. Nathan Dane, the Committee citing the following vote of the Corporation: "Voted, that this Board accept the donation of the Hon. Nathan Dane for founding a Professorship of Law, on the terms and conditions set forth in his communication to the Corporation, dated June 2d, 1829; and that the *above proceedings* be laid before the Overseers, that they may approve the same, if they see fit." They also add, that "this vote, being laid before the Overseers, was concurred in." (Rep. pp. 12, 13.)

If this were a statement of the whole case, — and the words "the above proceedings," in the vote, related only to the reception of the letter and acceptance of the donation previously mentioned in it, — it would constitute one in which the acceptance of a gift upon conditions was by the Corporation made subject to the consent of the Overseers.

But at the same time it would be obvious, that the proposed establishment of such a new professorship was an occasion calling for such communication of the fact, both out of respect to the Board of Overseers and the donor, because of the magnitude of the occasion, and that the donor might receive the acknowledgment of both Boards. It is, however, an incomplete statement of the case; *other votes* of the Corporation, *establishing the professorship and electing the Professor*, were sent up with the vote of acceptance, and constituted a part of "the above proceedings" which the Overseers were requested to concur in; *these being subjects always so referred.* Emphasis seems intended to be laid upon the fact, that Judge Story was then a member of the Corporation. But when it is remembered that one of the conditions or proposals of Mr. Dane, attending the donation, was that he should be the first Professor, it will not be considered very remarkable that he should desire his election to be submitted to the Overseers, even if it had not been customary always to refer such appointments to them.

The last case referred to by the Committee is that of the donation of Miss Plummer, in the year 1854, for the establishment of a new professorship in the University; and which became the subject of an elaborate Report, made by a committee in April of the following year. The Committee of the Overseers, in the Report under consideration, say that "the language and action of said committee may be regarded as a distinct expression of opinion by them, that every donation, accompanied by a trust, should be laid before the Overseers for their consideration, and be acted upon by them." (Rep. pp. 13, 14.)

If this fact were so, the utmost that could be inferred from it would be, that another committee of the Overseers had very recently expressed this opinion. It could with no propriety be urged as any proof of *the mutual understanding of the Boards*, and still less of any *established practice* regulating their proceedings; it should rather be regarded as

occasioning or prompting the present movement, than as evidence of the establishment of the claim contended for. But your Committee, after the most careful perusal of that Report, are wholly unable to find any authority for this representation. On the contrary, it there appears distinctly that the donation had been accepted, and a suitable acknowledgment had been directed to be made to the executor of Miss Plummer's will, nine months before any reference of the subject to the Overseers, and that the vote of such acceptance and acknowledgment had never been submitted to them for concurrence; nor is any intimation therein given that this omission was a subject of complaint. The only votes of the Corporation submitted to the Overseers were those establishing the rules and statutes of the professorship, which by the Charter must be so submitted, and the appointment of the Professor, which by uniform usage always has been thus referred. The resolve recommending "that the Overseers do cordially and gratefully concur with the Corporation in the acceptance of the bequest of the late Miss Caroline Plummer, and in the establishment of a new professorship agreeably to the terms of that bequest," was a fitting and graceful tribute by that Board of its acknowledgments, due to so distinguished a benefactor of the College; but can, as your Committee think, with no propriety be tortured into an assertion of their claim to consider their concurrence in such acceptance essential to its validity. It has therefore, as your Committee believe, no tendency to support the claim in this behalf contended for by the Committee in the Report now before them.

They submit, therefore, that there is an entire failure of historical evidence in favor of that doctrine, so far as the cases cited by the Committee are relied upon. But they are unwilling to leave the subject here. Having been thus invited into this field, they beg leave to present some results of their own investigations upon this subject, which they are constrained to believe must have escaped

the observation of the learned Committee in their researches.

The doctrine contended for by the Overseers embraces all donations in aid of professorships and charities previously established, as well as all intended to be thereby newly instituted; and under it all would indiscriminately require their assent to render acceptances of them valid. But the records of the Corporation and the Treasurer's accounts are filled with cases of this sort, in not one of which, as your Committee believe, has such reference to the Overseers been made.

There is an early case on record, in 1669, in which both Boards, having met for the choice of a Treasurer, as was necessary, returned a vote of thanks to Mr. Henly of England for a gift of £ 275; but no formal concurrence in the acceptance is so much as hinted at. Here also the accuracy of the notions then entertained of the relative powers and duties — or perhaps, more properly speaking, influence — of the two Boards, is illustrated by the vote concerning the Treasurer, which was: "The *Overseers*, with the consent of the President and Fellows, *elected* John Richards Treasurer."

In the spring of 1719 Mr. Thomas Hollis made his first gift, which was in books for the Library, and money for aid of indigent students. In the month of April, in the following year, he transmitted a further large sum for the same purpose. Both branches of the College, as was to have been expected, were desirous to express their grateful acknowledgments for benefactions so generous and timely. On the 24th of May, the Corporation voted their thanks to him. And on the 23d of the month of June following, the Overseers appointed a Committee to prepare a letter of thanks, which, being reported and approved, was sent to him. The vote of the Corporation was not sent up to them; and the idea of their consent, as being necessary to the validity of the acceptance, seems never to have entered the thoughts of either Board.

One of the next important donations in order of time was by the same great benefactor, for founding the Professorship of Mathematics and Natural Philosophy which bears his name. He had prepared and sent over certain rules and *orders* for its foundation and government; and in April, 1726, his proposal to establish it, and his nomination of Mr. Greenwood as the first Professor, were laid before the Corporation; who voted to accept his proposals, and to return to him their thanks "for his repeated bounties to the seminary, and in a very particular manner for his most generous and surprising proposal of a Professorship of Mathematics and Experimental Philosophy," &c. This vote was not sent up to the Board of Overseers. On the eighth day of June following, the Corporation acted upon the several plans for *rules and orders* proposed by Mr. Hollis, and, after some alterations, transmitted one of them to the Overseers for their approbation. On the sixteenth of that month, the Overseers passed the rules and orders, with some amendments, and directed a letter expressive of their thanks to be sent to Mr. Hollis. But it was not until May, 1727, that they were finally adopted by both Boards, and a Professor was elected. In all these proceedings we look in vain for any intimation of any understanding or pretence, by either Board, that the consent of the Overseers to the acceptance of the donation was considered important.

On the fourth day of September, 1764, the Corporation passed a vote to request the executors of Mr. Thomas Hancock to pay over the fund bequeathed by him for the establishment of a professorship, which was not sent up for concurrence. On the nineteenth of the same month, the Corporation voted to accept the bequest and establish the professorship, and on the second day of the next month appointed a Professor. On the same day all these votes were together presented and concurred in by the Overseers. It affords no argument, therefore, in favor of the claim now made; for had such confirmation of acceptance been thought

needful, the Corporation could not have asked for payment before obtaining it.

The fund for the Boylston Professorship of Rhetoric and Oratory was received by the Corporation, February 11, 1772, and invested to accumulate, without any reference of the proceedings of the Corporation on the subject to the Overseers.

That for the Hersey Professorship the Corporation voted to receive and invest, in November, 1772. But there is no reference to it in the books of the Overseers, until a question arose respecting it after the Revolutionary war.

The fund given by Governor Pownall to found a Professorship of Political Law was accepted by the Corporation in January, 1784, and no reference to it is found in the books of the Overseers.

That for the establishment of the Alford Professorship was accepted by the Corporation, March 31, 1789, and never referred to the Overseers; and no allusion to it appears on their records until the professorship was established, more than twenty years afterwards; when the vote for founding the professorship and appointing the Professor were presented for concurrence.

In June, 1798, the Corporation accepted a donation in money from Jonathan Mason for the Divinity Professorship, of which no such reference was made.

In June, 1801, a donation of an annuity of $ 100 from Mr. Boylston, for additions to the Anatomical Library, was accepted by the Corporation, and never referred.

In 1805, when funds were raised to found a Professorship of Botany and Natural History, the Corporation sent up for concurrence votes founding the professorship, prescribing its rules and orders, and appointing a Professor, all at the same time, but without any vote of acceptance.

In August, 1810, the Corporation accepted the legacy of $ 5,000 from Samuel Dexter, for promoting a critical knowledge of the Scriptures, but it was never sent up for concurrence.

In April, 1814, a gift of $20,000 was made by a benefactor, then unknown, (the Hon. Samuel Eliot,) who desired that his name should not be disclosed by the person transmitting it, to found the Greek Professorship. The Corporation immediately passed votes accepting the donation, and expressive of their gratitude for this generous benefaction; but it was not thought necessary to send them up to the Overseers, that they might concur in its acceptance. It was not until February, 1815, when the rules and statutes were enacted, and the Professor was chosen, that any votes were sent up for concurrence.

In September, 1815, the Corporation appointed agents to receive the legacy of Count Rumford, and voted to found the Rumford Professorship. But no reference of the subject to the Overseers was made until October, 1816, when the statutes of the foundation were presented for concurrence.

In December, 1823, the Corporation received notice of the bequest of John McLean of $20,000, to found a Professorship of History, and voted to present their thanks to the executors. But no request was made to the Overseers to join in its acceptance; nor does any reference to them appear upon the subject, until the vote to found the professorship was sent up in 1839.

In 1831, the donation of Mr. Dane for the erection of a building for the Law School (Dane Hall) was accepted by the Corporation; and subsequently was so appropriated, without any reference upon the subject to the Overseers.

The general result, therefore, of the evidence upon the *practice* of the two Boards appears to be this. In no instance, known to your Committee, has a vote of acceptance of a "donation upon a particular condition, or accompanied by a special trust," as being in aid of a previously existing professorship, or charity, been submitted to the Overseers for concurrence, though such donations have been numerous. In the cases of the Boylston, Hersey, Alford, Dexter, and McLean donations, the funds were ac-

cepted, and allowed to accumulate for many years, before they were ever brought to the notice of the Overseers otherwise than by the Treasurer's Reports. The Pownall fund, the Boylston annuity, and that bestowed by Mr. Dane for the erection of Dane Hall, were accepted and appropriated by the Corporation, and neither the acceptance nor the appropriation of either of them was ever referred to the Overseers.

When new professorships have been established, and the rules and statutes regulating them have been enacted at the same time, or when appointments of Professors have been made, they have always been referred to the Overseers; such reference of orders, rules, and statutes being expressly required by the Charter, and such reference of appointments being in conformity with a practice to be hereafter considered; and in some instances the votes thus sent up for concurrence have contained a clause declaring acceptance of the fund, as would very naturally occur without any intention on one side to admit, or on the other to claim, such reference as matter of right; and in some cases the rules and election only have been submitted, without allusion to any acceptance of the funds. No question appears ever directly or indirectly to have arisen upon this subject between the two Boards, until its suggestion in this Report; and the constant *practice*, as above shown, proves conclusively, as your Committee believe, that in no instance was a reference made of the acceptance of a donation for concurrence, in which it is not satisfactorily accounted for as required by the terms of the gift, or as constituting part of a vote upon subjects otherwise calling for such concurrence by the express terms of the Charter, as in case of orders, statutes, and rules, or in that of appointments according to the uniform practice above referred to.

The varied practice might seem to leave the question undetermined, whether votes merely founding new professorships or other new offices in the College should be sent up for concurrence; though in the majority of cases the votes

to institute such professorships have been sent up together with the rules and statutes for their regulation. The only question which appears to have arisen between the two Boards upon this subject appears in a vote of the Overseers, February 13, 1834, "that when the Corporation shall institute a College professorship, or any other office in the University, and shall present to this Board a person elected by the President and Fellows to fill such place, to be confirmed by this Board, the said President and Fellows shall assign in writing the necessity for such office, and the rules and regulations adopted pertaining to the same"; and in the vote of the Corporation, June 19 of the same year, at a meeting when the vote just mentioned was laid before that Board, "that the Corporation cannot recognize the right of the Board of Overseers to order them to assign in writing the reasons of any of their acts." And the order appears to have been subsequently entirely disregarded by both Boards.

Your Committee therefore submit, with entire confidence, that neither by the terms of the Charter nor the practice of the two Boards can it be maintained that the Corporation is under any obligation to send up for concurrence any vote accepting any donation of any kind; or that the Overseers have any power to interfere with, control, or prevent such acceptance; but, on the contrary, that the plain language and whole context of the Charter, and the uniform practice of the Boards, are conclusive against any such obligation on the one part, and any such claim of interference, control, or rejection on the other.

If it be argued, as was suggested in the conference of the two Committees, that this construction gives to the Corporation a dangerous and unlimited power of committing the College to the support of institutions and objects foreign or adverse to its interests, the answer is very simple; namely, that the Corporation has no lawful authority to accept any donation not within the scope of the objects of its creation, pointed out by the Charter, and of the powers with which it is thereby invested.

The Corporation, by the authority of the government conferred by their Charter, and by the trust reposed in them by donors and benefactors, are constituted the sole judges of the propriety of accepting such gifts, and of determining whether the objects proposed in any such donation are within the objects and purposes for which the Charter was granted. They are bound, not only legally, but *in foro conscientiæ*, to the honest and faithful exercise of their judgment in this respect, as well as in the performance of every other part of the trust reposed in them for the best interest of the institution. They, and they alone, are legally responsible at the tribunals of the State for any improper failure or refusal to accept a suitable and proper donation, when proffered for the benefit of the College, as they would be for the acceptance of any such donation for purposes not within the scope of its Charter, or for the omission to use, or the perversion or abuse of, any one rightly accepted.

APPOINTMENTS.

Upon this subject, forming the next topic of the Report, the Committee are quite brief and summary; but it is a great relief to find that the foundation of the claim made for the right of confirmation or rejection of nominations to office in the College is clearly and distinctly stated, so that it may be openly examined, and its soundness or unsoundness satisfactorily ascertained, and is not left to uncertain inference or vague conjecture.

This claim is thus disposed of in the Report. The Committee (Rep. p. 14) say: "This [subject of appointments] seems to have been regarded at all times as a matter in relation to which the action of the Corporation did not take effect until the same was confirmed by the Overseers. The Corporation have therefore uniformly sent their votes *or orders*, by which appointments have been made, to this

Board [of Overseers] for approval." The use of the word "*orders*" in this sense will not have escaped observation; your Committee cannot find any warrant for it in the Charter, or in the records of either Board, early or late, but believe it to be wholly opposed to both, as it clearly is to the context of the Charter where it is employed.

Again (Rep. p. 15) they say, in treating of the subject of salaries: "It is provided in the Charter, in substance, as appears in the passage herein above cited, that the Corporation may meet and make such allowances to College officers or servants as they shall think fit; provided their orders or doings on the subject be allowed by the Overseers. This provision is contained in the very section, or part of the act, in which the matter of *appointments is regulated*, and that too by the same phraseology as is used touching salaries; and *it has never been questioned by the Corporation that all such appointments* or elections *require the confirmation of the Overseers.*" How far this can be considered a correct and just statement of the contents of the Charter, in the passage referred to, will be presently considered. It is adverted to now, in connection with the preceding passage cited, only to show the precise ground on which they rest their claim of control over appointments, and the extent of that claim. And it is thus expressly and unequivocally and exclusively based upon that provision which your Committee have designated as the third clause, and which is thus considered in the Report as covering all appointments.

The position taken by the Committee, therefore, is, that the Overseers, by virtue of the proviso in that third clause, have the right to require of the Corporation, and that it is the duty of that Board, to submit to them, for confirmation or rejection, all appointments to office in the College; and they affirm that "it has never been questioned by the Corporation, that all such appointments do require such confirmation."

It is true that appointments made by the Corporation to

offices of government and instruction have, from the earliest times, and, as is believed, with entire uniformity, been sent up to the Overseers for concurrence or rejection. Your Committee, however, are satisfied that it is no less true, that such submission of them has never been because of any admitted or supposed obligation on the part of the Corporation, or of any claim made by the Overseers, founded upon that provision in the Charter, but, on the contrary, that any such construction of it has been expressly repudiated by both Boards in their records and in their practice; and that the learned Committee are entitled to the credit of entire originality in any such application or construction of that clause. In order to maintain it, they assume that all appointments made by the Corporation, excepting in the election of members of their own Board, are made under the power given by that provision of the Charter, and that the words at the close of it, "provided the said orders be allowed by the Overseers," apply to such appointments. Your Committee have above shown, and, as they think, to plain demonstration, by the best of evidence, namely, the Charter itself, that this proviso admits of no such application (pp. 21 – 23). And they now proceed to the consideration of the next best evidence of which the nature of the case admits, namely, the records and actions of the two Boards; and which, they submit, is entirely confirmatory of that conclusion.

It is self-evident that this proviso, if it applies at all to appointments made under that clause, extends equally to every one so made, without discrimination of any one from any other. And also that, if it applies at all to salaries allowed under it, it includes every one so allowed. And further, that, if applicable to either appointments or salaries, it must be equally so to both; and *vice versa*, that, if it does not justly apply to any one such appointment or salary, it does not to any other. If, then, it can be shown that any one appointment, or class of appointments, or any one salary, or class of salaries, made or allowed under that clause,

has been and is, by votes and practice, considered as exclusively within the acknowledged control of the Corporation, without any right of interference on the part of the Overseers, it not only follows conclusively, that the Committee are entirely in error in taking the position above stated, and in saying, that "the Corporation have therefore uniformly sent their votes or orders, by which appointments have been made, to this Board [of the Overseers] for approval," and that "it has never been questioned by the Corporation that *all such appointments* or elections require the confirmation of the Overseers"; but it also follows conclusively, (so far as such proof is conclusive that the proviso does not apply to such particular case or class of cases,) that it does not apply to any other case or class of cases arising under that clause, and also that it affords no ground whatever for the right of control or interference concerning appointments and salaries as claimed in the Report.

The first instance in which any question seems to have arisen, that may be considered as involving the construction or application of this third clause, was in the remarkable attempt made by the Overseers in the first instance, and afterwards with the concurrence of the House of Representatives, to break down the Corporation, and remove three of its members, on account of hostility to their religious opinions, in the years 1721, 1722, 1723; and the successful resistance of which attempt constitutes, as your Committee suppose, one of those "trying and difficult occasions" referred to in the Report, in which the Corporation was "the bulwark of the College." (Rep. p. 26.)

This clause was not, however, then made the subject of especial reference or comment. A memorial of the Overseers for an enlargement of the Corporation, having been presented to the General Court in 1722, was referred to a committee, which reported several Resolutions, and among others one in these words: "Thirdly, that the President and Fellows of the said College, or the major

part of them, are not warranted to fix or establish any salary or allowance *for their service*, without the approbation and consent of the Overseers." The Report was accepted by the House, and concurred in by the Council; but the Governor refused his assent, for reasons not pertinent to this inquiry. In the session of 1723, the House again passed the same Resolves, without notice to the Corporation, and notwithstanding their earnest solicitation to be heard upon them at the preceding session, and sent them to the Council for concurrence. The Council, however, granted the hearing, and thereupon non-concurred in the Resolves; and they were never afterwards heard of in either branch of the Legislature.

It will be observed, that this denial of the power of the Corporation to establish salaries was strictly confined *to those established for themselves* (the Corporation then embracing a majority of the instructors); and was not extended to any question of their authority to appoint the salaries of other persons not members of the Corporation. And this circumstance is in itself exceedingly strong evidence, and seemingly conclusive, so far as negative evidence can be so, that no question was considered to exist of its exclusive authority to establish the salaries of officers and servants appointed by it under the third clause; for if there had been, the denial would have included that also.

And the reply of the Corporation, in their memorial to the General Court, is conclusive, that, up to that period, no reference of any such appointments had ever been made to, or claimed by, the Overseers as due to them. They say: "But we do not find that it [the Charter] leaves them [the Overseers] *any power in the matter of fixing and establishing any salaries or allowances*, or disposing of the incomes and revenues of the College." Again: "*We know not of such allowances being at any time brought to the Overseers for their fixing of them.*" And one of their chief arguments against the proposed change in the organization of the Corporation, which was to have it com-

posed of resident instructors, was the clear construction of the Charter, and settled usage under it, giving to that Board the exclusive authority over salaries, and which ought not therefore to be in the hands of a majority thus interested in its exercise.

No more satisfactory evidence could exist, that, up to that period, being seventy-three years subsequently to the date of the Charter, no practice or understanding had existed tending to show that the Overseers ever had exercised or claimed any power over the establishment of salaries appointed by the Corporation under the third clause, or that the Corporation had ever by vote or action recognized any such power. And such entire absence of any claim or recognition of such right, for such a space of time, upon the records of the Corporation or of the Overseers, and such denial by the Corporation as soon as presented, and the subsequent acquiescence of the Overseers and General Court in the decision of the Council, are, as your Committee think, satisfactory evidence that no such right or obligation existed. And if none existed over salaries, it is equally certain that there could be none over appointments made under that clause.

The next occurrence which may be considered as having a bearing upon this question is the Report of a committee of the Overseers, appointed in 1732, to take into consideration the condition of the College, and to "report proposals for its benefit." The College was at that time in great disorder; and the committee in their Report, representing it to be in a weak and declining state, recommended several propositions; the first of which was for the revisal of the laws, and their better adaptation "to the present circumstances of the society"; the second, that the salaries of tutors and instructors be paid quarterly; and the third was in these words: "Whereas heretofore, under the present Charter, salaries were wont to have the allowance of the Overseers, that the Overseers do now assume their right of *stating and allowing* salaries *agreea-*

bly to the ancient practice." The Board amended this proposal by substituting the words "consenting to" for the word "stating." This last proposal implies a belief, then existing in the Board of Overseers, that they had formerly exercised a *supervisory power over salaries established by the Corporation.* But this was clearly an error, as there is no instance of the exercise or admission of any such power upon the records of either Board; and it was also a misapprehension which may be very satisfactorily accounted for, as will be shown when the subject of salaries shall be under special consideration.

These three proposals, with others not material in this inquiry, were accepted by the Overseers, and transmitted to the Corporation. And the two Boards proceeded forthwith very harmoniously to revise and establish a code of laws, in the manner prescribed by the Charter. But no subsequent notice appears ever to have been taken by either Board of this third proposal, — the Overseers, as your Committee suppose, being satisfied, upon investigation, that it was made, as just stated, under a misapprehension of the previous history of the College, by no means unnatural, and easily accounted for.

The entire abandonment of any further consideration of the subject by both Boards is, as your Committee think, very strong evidence that no such right was upon final consideration believed to exist. Otherwise there seems to be no reason why, after being thus solemnly and publicly asserted, it should not have been persisted in; especially as the state of the College was such as to give to the Overseers the entire advantage in any discussion of the question, and a motive for pressing it, so far as the relative influence of the two Boards and the need of reform were involved.

And this conclusion is strikingly confirmed by the proceedings of the two Boards, and especially by those of the Overseers, upon the next agitation of the subject of salaries, which took place in 1760, — proceedings which are

adduced by the Committee in their Report (pp. 18, 19) as affording satisfactory, if not conclusive, proof of the validity of the claim which it is their object now to maintain. How far the representation of these proceedings in the Report corresponds with what your Committee believe to be their real character and purport, and what may be their just influence upon the question in hand, will be very carefully considered when examining the argument upon the subject of salaries. They are referred to here only to show that, at that time, the Overseers not only did not pretend to any such claim of supervision or control over appointments made, or salaries established, *under this third clause*, as is now attempted to be maintained, but expressly repudiated and disclaimed it.

Those proceedings embraced a Report then made to the Overseers by a committee, the members of which are considered, by the authors of that now under consideration, so eminently able to settle such a question, that their names are set forth at large (Rep. pp. 18, 19) by way of giving emphasis to its conclusions. That Report * is on file in the College archives, with the Memorial of the Corporation † in reply. The present Committee of the Board of Overseers state the fact that such a Report was made, with its date and the day of its consideration, and the circumstance that it was directed to be served upon the Corporation; — they forbear, however, any citation or recital of its contents. Had they attempted any, it would have appeared that the Committee who prepared it, and the Overseers by accepting it and sending it down to the Corporation, not only wholly disavowed any authority to control or interfere with appointments, or salaries made or established under this third clause, which they particularly cite, but rested their argument in favor of their right to such supervision and control over the appointments and salaries of those in the government of the College upon another clause, and

* Appendix, No. IV. † Appendix, No. V.

with the express declaration that the third, which *vested exclusive power in the Corporation*, applied only to certain officers and servants other than those in the government of the College, — "*and the choice of whom*," to use their own language, "*is in the Corporation*, INDEPENDENT OF THE OVERSEERS."

No disavowal or renunciation by the Overseers themselves of any claim of right to control or interfere with the appointments made, or salaries established, by the Corporation, under the third clause of the Charter, more emphatic and conclusive than this, can be imagined; and yet this Report constitutes a prominent portion of the evidence adduced, and in the most confident manner, as entirely satisfactory proof of the existence of such right. (Rep. pp. 18, 19.)

The next occasion on which the construction of this *third clause* came in question was in 1778, in a controversy between the two Boards concerning the right of the Corporation to elect a Steward without requiring the confirmation of the Overseers. And it is of a nature the more decisive, as their respective powers in that respect were to be determined *solely by that clause*. Hence it deserves particular recital.

In November, 1778, upon the resignation of Jonathan Hastings, Mr. Kneeland, a man of great worth, and well qualified for the office in the opinion of the Corporation, was by that Board appointed Steward; but his political principles rendered his appointment objectionable to the Overseers. They therefore, at their next meeting, passed a vote declaring that his election "was disagreeable to this Board, and that it be recommended to the Corporation to reconsider said election, and proceed to the choice of some other person for that office: *the Overseers reserving to themselves the right they have by the Charter, of approving or negativing the election of a Steward made by the Corporation.*"

In December the Corporation met, and reconsidered their

appointment of Mr. Kneeland, and requested the former Steward to resume his place until another should be chosen; and passed a vote declaring "that the Corporation are of opinion, that the claim advanced by the Overseers of a right to approve or negative the election of a Steward made by the Corporation has *no foundation in the College Charter, and is without precedent in any of the College records;* and that the President, Dr. Cooper, and Mr. Lathrop be a committee to represent the sentiments of the Corporation on this point to the Board of Overseers, and bring the matter to as amicable a decision as possible."

At a meeting of the Overseers in the same month, they adopted the following vote: "It being a matter in dispute between the Corporation and Overseers, whether the election of a College Steward ought to be presented to this Board for their approbation, and the Board not being in possession of the Charters by which this point ought to be decided, it was voted that the Secretary be directed to deliver to the President of the Council, as soon as may be, copies of the Charter granted by the General Court in the year 1642, and of that granted in 1650, and of the Appendix granted in 1657, for the inspection of the Overseers, that they may be better able to discuss the matter in dispute, and to come to a determination upon it, at the adjournment of this meeting."

On the sixteenth of the same month, the adjourned meeting was held; and it appears by the record, that, "after some debate, it was moved that the previous question should be put, Whether this Board have a right to a presentation of the person elected by the Corporation into the office of Steward, for their approbation or disapprobation; whereupon the previous question was moved, whether this question shall now be put, — which being put, it passed in the negative."

The Corporation afterwards proceeded to elect a Steward, without submitting the appointment to the Overseers for their consent; and such has been the uniform practice ever

since; nor has this acknowledged right of the Corporation ever been further questioned.

It will be observed that this question directly and necessarily involved the construction of the third clause in the Charter, and of its proviso; for whatever may be thought of the power of the Corporation to elect officers of government and instruction under it, no doubt can exist that the election of a Steward is within its express provision.

We have, therefore, the well-considered and deliberate decision of both Boards, — after a full examination of all the Charters laid before that of the Overseers, "that they might be better able to discuss the matter in dispute and come to a determination upon it," — that the proviso in that clause gave them no power whatever over appointments made under it. Nor is this all. It will be seen by reference to the College records, that elections of officers other than those of government and instruction, and which were confessedly all appointed in exercise of the power given to the Corporation by that clause, have never, or, if ever, with very few exceptions, been presented to the Overseers for their concurrence or disapproval; but that the Corporation has uniformly exercised the sole power of making such appointments as exclusively its own, and unquestioned by the Overseers. If that of the Librarian should be supposed to be an exception, it will be found not to be one, inasmuch as he was not thus presented by the Corporation before 1766; when he was invested with the authority of a tutor, and thus became one of the Government.

And yet the learned Committee, in this elaborate Report, representing that all powers of appointment to office possessed by the Corporation, including those of government and instruction, are derived from this third clause, and especially citing it to that effect (Rep. pp. 15, 16), maintain that the proviso at its close applies to all such appointments, — as it plainly must, if to any, — and that none can be valid without the approval of the Overseers; and affirm that "it has never been questioned by the Corporation, that

all such appointments or elections require the confirmation of the Overseers." Such a result of their investigations is certainly a striking illustration of the truth of their remark (Rep. p. 1) when alluding to the task imposed upon them, that their constituents, in requiring its performance, could hardly have been aware "how extensive was the field of inquiry which the Committee were required to examine, or how imperfectly the same had been previously explored."

Your Committee therefore submit, with entire confidence, that no proposition can be more clearly established, upon the plain meaning of the Charter, and the well-considered, deliberate, and recorded construction of it by both Boards, and their uniform practice under it, from the day of its date, than that the proviso at the close of the third clause has no reference whatever to the appointments to office, or the establishment of the salaries, for which that clause provides. And if, therefore, all the powers of the Corporation to make appointments to office in the College are derived under that clause, — as the Committee assert, and by citation and argument attempt to maintain, — then the only and whole foundation of their claim of any right on the part of the Overseers, under the Charter, to have appointments presented for their confirmation or rejection, fails, and is utterly swept from beneath their feet. Under the Charter, the Corporation has the exclusive right to make them, independently of any such approval or disapproval.

But although your Committee have no doubt that this is the just and only view to be taken of the claim so made by the Overseers, and that it has no such foundation as their Committee appear to suppose, they are aware that the practice of the Corporation to send up for concurrence or rejection all appointments to offices of government and instruction in the College, and which appears to have obtained from the earliest times, as has been before fully conceded, remains to be explained. And it is believed that an explanation is by no means difficult, and one which may lead not only to a solution of this particular inquiry, but also to a just

apprehension of the relative positions of the two Boards upon this very important and delicate subject.

There can be no doubt that the phraseology of the third clause, taken by itself, would suffice to vest in the Corporation the power of appointment to all College offices whatsoever, required for government and instruction, and other management of the institution and the ordering of its affairs, excepting that of electing officers and members of its own Board; and would also be sufficiently expansive to embrace all that should become needful by the growing exigencies of the College, as well as those contemplated at the granting of the Charter. And your Committee, for reasons hereinafter stated, concur in opinion with the Committee of the Overseers, that it is from this clause that the Corporation derive the powers which they have exercised and continue to exercise in making all such appointments. If, however, no power had been expressly given by the Charter to appoint officers and servants for the purposes above mentioned, it would have been inherent in the Corporation by force of law, as implied by necessity, for the purpose of enabling it to accomplish the objects of its creation. In either case, however, it is clear that the Overseers could have no power of supervision or control over such appointments, because none is vested in them by their own Charter, and no other clause in that of the Corporation, or in the Appendix, has any reference to that subject but the third, and this gives them no such power; and there is no other source whence any such could be derived.

The difficulty has arisen, therefore, not from any insufficiency in the terms of this clause, taken alone, to embrace all appointments to College offices, but from the restriction put upon their general import by other expressions in other parts of the Charter; from which the inference has been drawn, that the words "officers and servants" were intended to be used as descriptive of ministerial agents, such as steward, librarian, janitor, and the like, as contradistinguished from those composing the Government

of the College; and there is certainly some reason for thus believing that this distinction was then in the minds of the framers of the Charter.

The first known suggestion of this construction is found in the effort of the Overseers, alluded to above, to maintain their claim of supervision and control over the salaries of the governors and instructors, in 1761; when they were solicitous to get rid of the third clause, as being the source of authority in the Corporation for their appointment, perceiving, and expressly conceding, that, over elections and salaries made and established under that clause, the Overseers had no supervision or control. They therefore sought to show that it applied only to such ministerial agents, and not to those employed in the government or instruction of the College; and rested their whole argument for any such claim over appointments of the last-named officers upon the hypothesis, that the power to confirm or negative appointments involved that of regulating the salaries of the appointees, and upon the fifth clause, which it cannot be pretended has any the remotest bearing upon the subject of election to office.*

There is not, however, as your Committee know, or believe, any evidence whatever that the Corporation ever acceded to this construction; but, on the contrary, it appears, as will presently be shown, that they have uniformly maintained the exclusive right under the Charter of regulating the salaries of all officers appointed by them, which seems very strongly, if not conclusively, to imply that they rested such power of appointment, excepting of members of their own Board, upon the third clause; and your Committee are not aware that they have ever attributed it to any other source.

The origin and continuance of the practice of presenting to the Overseers, for confirmation or rejection, appointments by the Corporation to offices of government and instruction, is very satisfactorily accounted for in the history of

* See Appendix, No. IV.

the College, without attempting to force the proviso in the third clause into any such unnatural service, or seeking a solution of the question in any other construction of the Charter, if that were possible. When the Charter was first granted, all who then held such offices were expressly named in it as members of the Corporation, the appointment of whose successors, by its terms, required the concurrence of the Overseers; — and its framers probably did not then contemplate such future increase in the number of officers of instruction and government as would render it impracticable or inconvenient thus to include them; — though the holding of such office was not made a necessary qualification for such membership. The College was then but a small seminary, the number of pupils never having exceeded twenty-five, which continued the maximum for many years, the whole being under the charge and instruction of Mr. Dunster, — by the Charter made the first President, — and of perhaps two assistants, who were made Associate Fellows, these three, with other persons, constituting the first Board.

The vision of the magnitude, importance, and reputation of the University, as it now exists, had not then presented itself to the imagination of our fathers, any more than that of the present population, wealth, and industrial and intellectual pre-eminence of the Commonwealth which they were at the same time founding, or than that of the extent, power, and political importance of the great nation of which it was to become a member.

It appears by the records, that twenty-four years afterwards, and when it must be presumed to have materially increased, there were but three instructors beside the President; nor does it appear that any addition to that number was made for many succeeding years. Nor until the year 1711, sixty-one years after the grant of the Charter, does there appear to have been any instance of the appointment of an officer of government or instruction by the Corporation, who was not at the same time elected a member of

the Corporation. The case of Mr. Whiting, who was a tutor at the time of the reorganization of the Board in 1707, and not then made a member of it, constitutes no exception, he having been appointed by the Governor during the period when the Charter was erroneously supposed to have been vacated by the repeal of that of the Colony, and holding equal rank with the other officers appointed in the same manner.

The first election by the Corporation of an instructor, not at the same time chosen to a seat at its Board, was that of Joseph Stevens, in 1711; — and it was sent up to the Board of Overseers for their concurrence. It would seem highly probable that this appointment was made under the influence of the Governor and Overseers, who enjoined upon the Corporation the manner of a formal inauguration, — showing an interest and participation in the transaction much exceeding those of mere concurrence in the election. Indeed, the slightest knowledge of the College history of that period suffices to show that all real power and control over the College were in the hands of the Colonial government and of the Overseers, and not exercised with a very scrupulous respect to the constitutional rights of the Corporation; so that, while no question can reasonably arise as to the validity of their claims to those powers which they were allowed to exercise, very little weight is attributable to evidence arising from the assumption of power and authority over them by the then dominant party. Often no alternative was left to the Corporation but acquiescence in this irresistible power, though in some very important instances such acquiescence was accompanied with direct or implied protests against the usurpation.

Looking back, then, to the period of the first sixty years after the granting of the Charter, we find a perfectly clear and satisfactory account of the origin of the practice of submitting appointments to offices of government and instruction to the Overseers; — all such appointments hav-

ing been at the same time to membership of the Corporation, and therefore, by the terms of the Charter, requiring such submission. Under any circumstances the practice would very naturally be afterwards followed, unquestioned, in all such appointments, though not including such membership; but under those which characterized the next seventy years, its continuance will be seen to have been at the least most wise and expedient, if not absolutely unavoidable, — considered altogether irrespectively of any obligation on the part of the Corporation to adhere to it other than on the ground of sound policy.

The nature of the influence and power of the persons composing the Board of Overseers during the first century and a quarter after the date of the Charter, over both the College and the Colonial and Provincial Legislatures, has been before alluded to; but this was by no means the greatest influence or power which that Board possessed. For a long period of time the College officers were chiefly maintained by grants from the Legislature, and the appropriation of them was committed to the Overseers; and the disposition of some of the earliest and most important donations of money to the College was in like manner placed in their hands. Thus they had at one time not only the weight of unlimited personal and political influence and authority, but also held the purse-strings of the College, and the sole power of appointing allowances. During the first seventy years of the existence of the College, "its officers were dependent for daily bread upon the bounty of the General Court. They always stood before the Court in the attitude of humble suppliants, destitute of the power even to enforce their rights; and found, by bitter experience, how miserable is he who hangs on a sovereign's favor, be that sovereign one or many, prince or people." And for the next sixty years or more, the College was mainly dependent upon grants of the General Court for means to pay the salaries of the President and Professors. It was therefore obviously not only natural,

but unavoidable, that the pleasure of so powerful a body as the Overseers, in itself closely connected with the College, and possessing controlling influence in the Legislature, should be made essential to acts of such importance as the appointment of officers of government and instruction; the number of whom at the breaking out of the Revolutionary war amounted to seven beside the President, Treasurer, and Librarian, there being then but three Professors and four Tutors.

Another series of appointments to offices of government and instruction requiring the confirmation of the Overseers, for a reason wholly independent of any constitutional obligation or claim of right springing from the Charters, commencing with the first establishment of professorships, and continuing to the present time, contributed no less effectively to constitute such presentation to them a received and uniform practice. In nearly all the foundations of professorships, such subjection by the Corporation of the appointment of the proposed incumbent to the concurrence or disapproval of the Overseers was required in express terms. Such was the case in the foundation of the first professorships established, — that of Divinity by Mr. Hollis, in 1722, and that of Mathematics and Natural Philosophy, by the same distinguished benefactor, in 1726; also in the foundation of the Boylston Professorship of Rhetoric and Oratory, in 1772; in that of the Alford Professorship of Natural Religion, Moral Philosophy, and Civil Polity, in 1789; in that of the Massachusetts Professorship of Natural History, in 1805; in that of the Eliot Professorship of Greek Literature, in 1814; in that of the Rumford Professorship on the Application of Science to the Useful Arts, in 1814. Even in those where the founders had not made this provision, the Corporation, in establishing statutes and rules for their foundation and government, either made the appointment of the Professor expressly subject to the consent of the Overseers, or impliedly so by a provision that he should be chosen in the

same manner in which other officers of the College were chosen. So that very nearly all the appointments to professorships have been thus submitted in accordance with the express requisitions of the founders of these professorships, and the others by votes of the Corporation voluntarily adopting the same mode as their organic law. All elections, therefore, to these chief offices of government and instruction are thus plainly and clearly accounted for, independently and exclusively of any legal obligation on the part of the Corporation so to present them for confirmation, or of any right on the part of the Overseers to demand such presentation, founded in the Charters, or in the legal constitution of the College.

When, therefore, it is seen that all the tutors in the early stages of the College history were members of the Corporation, whose election therefore was of necessity submitted to the approval of the Overseers, — and that all the first and nearly all the succeeding professors were appointed on foundations requiring such submission, and all the rest under statutes providing for it, — the fact that all other tutors and newly appointed officers of instruction should be also so presented, in conformity with this long-established practice, is sufficiently explained, without resorting to forced, novel constructions of the Charters, or to any other sources of the authority thus exercised by the Overseers.

In these views taken by your Committee of this subject, it may perhaps be immaterial to decide whether the power of appointments to offices of government and instruction is vested in the Corporation by virtue of the third clause of the Charter of 1650, or by legal implication from the necessity of such authority in order to accomplish the ends for which it was created ; as in either case it is believed to be clear, for the reasons above given, that the Overseers can have no legal right of supervision or control over appointments made by virtue of authority derived from either source. But your Committee, as before suggested, are of

opinion that such power is derived from the third clause; and are happy in this to find a subject of concurrence in the opinions expressed by the Committee of the Overseers. There can be no question, that the language of that clause is not only broad enough to cover all such appointments, but that such would be its natural and ordinary interpretation; and that it is only by a critical collation of it with other parts of the Charter that any limitation of its terms can be inferred.

It may be, and indeed is not improbable, that the framers of the Charter presumed, at the time, that all such officers would be included within the Corporation, and that the third clause would be applied only to the appointment of ministerial agents of the character above suggested; and furthermore, that if the idea had occurred to them of such an increase of the institution as should require a greater number of officers of instruction and government, they would have provided for the submission of their appointment to the Overseers. It does not, however, by any means follow, that the construction of the Charter of an institution for education, intended to be permanent, and in its nature susceptible of indefinite enlargement, is to be controlled by the precise ideas or anticipations which may be supposed to have been in the minds of its authors, when language is used, and provisions are made, in themselves wholly unequivocal and clear, and far more comprehensive than those precise ideas and anticipations could require, and sufficient to embrace, and seemingly intended to provide for, all future emergencies; nor by the mere probability that they inadvertently, or through want of foresight, omitted a provision which they would otherwise have inserted. It is certain that they intended, by this clause, to provide for appointments to office to be made by the Corporation; and that its language clearly, and in its ordinary natural import, extends to all appointments to office of every kind; and that there is no other provision in the Charter giving any such power, excepting

that of election of members of its own Board. Now it seems incredible, not to say absurd, to suppose that they would take the precaution thus expressly and carefully to provide for a few officers only, and those of inferior grade and importance, and leave those upon whom the whole welfare and prosperity of the institution would mainly depend wholly unprovided for. Hence the reasonable inference would seem to be, that they intended by this clause to vest in the Corporation full power to make all such appointments as the emergencies of the College might from time to time require, whether more or less, and whether the same with or differing from those then anticipated to be needful.

A question here presents itself, how far the Overseers have acquired the legal right of such supervision and control over appointments, in cases where the Corporation — in instituting professorships or other offices of instruction or government upon foundations not requiring such submission, or upon grants or appropriations made from the general funds of the College — has, by the statutes establishing them, or the rules and orders concerning them, provided for such presentation to the Overseers; instances of which may be found in several of the professorships, in the establishment of the office of proctor in 1805, and in other cases. And your Committee are of opinion, that no such legal right exists in the Overseers, independently of the concurrent will of the Corporation, which may, so far as such duty of presentation is concerned, repeal such statutes, orders, or rules at any time, if such repeal be warranted by any exigency demanding it for the welfare of the College.

With regard to statutes, rules, orders, and by-laws, which, by the Charter, are required to be submitted to the Overseers, and which have been so submitted and approved, and do not suppress, restrain, or limit the exercise of the exclusive powers vested in the Corporation by the Charter, your Committee are of opinion that they are irrepealable but by the consent of both Boards. But

in regard to any, whereby the Corporation should undertake absolutely to divest itself of any power or authority, the duty of exercising which is by the Charter imposed exclusively upon it, or to submit its exercise to the control or will of any other person or body, your Committee are clearly of opinion, that it would be an unwarrantable dereliction of its duty and a breach of the trust confided to it.

The relative rights, powers, and duties of the two Boards must be found in their Charters. When accepted, these constituted a binding contract between the government and the College, and all who have been, or shall become, its benefactors in donations for its benefit, and upon the faith of which all its estates were acquired and are held; and the various powers thus vested in each department are held upon the same solemn trusts, and can no more be parted with by either, or delegated to others, than can the possession and administration of those estates. The Corporation has no more legal or justifiable excuse for surrendering the powers thus derived, or for acquiescing in any limitation of them, than the Overseers have for usurping them, or for parting with their own. Nor can the two Boards unitedly vary their legal relations to each other, or take from or vest in either any trust, power, or responsibility not by the Charter authorized to be so taken or vested.

At the same time, however, the Overseers are the constituted advisers of the Corporation, to whom they have the right to apply for counsel and aid in all cases of magnitude, and among which appointments to important offices may be justly ranked. The whole history of the College shows with what a willing disposition the Corporation has availed itself of this privilege; and acquiesced in the determination of all questions thus submitted. And it is to be hoped that this reliance may never be weakened, and its manifestations never diminished.

These cases, therefore, in the opinion of your Committee, are properly to be considered as those of voluntary submission by the Corporation of appointments to the Over-

seers for their counsel and advice; — it being within the chartered right of the one to ask, and part of the corresponding obligation of the other to give, when asked, such counsel and advice, and also as lawful and as proper to establish a continuing general rule for the asking of such advice in each case, or class of cases, as it would be to make each a subject of particular enactment. But no such rule could be of legal obligation to control the Corporation in the exercise of its exclusive right of appointment, or to prevent the repeal of the rule, if circumstances should arise which, in the exercise of an honest judgment and sound discretion, should render it the duty of the Corporation to withhold such presentation.

After this full exposition of their views of the respective legal rights and duties of the two Boards upon this most delicate and important subject, your Committee are unwilling to leave it without a full and frank statement of their convictions, in which they doubt not to have the concurrence of every member of this Board, that the practice which has hitherto prevailed of such submission to the Overseers of all appointments to offices of government and instruction is one founded in the wisest policy, and should be adhered to so long as it may be with any just sense of duty or self-respect on the part of the Corporation. It not only has the sanction of antiquity coeval with the chartered existence of the College, but is of great moment as a safeguard against appointments from interested or private motives; and invests the officers thus confirmed with a sense of public responsibility, and with dignity and authority of great value in establishing effective influence over the scholars and in elevating the character of the institution. No case, therefore, of a mere sense of injustice on the part of the Overseers towards the Corporation, in reference to the motives or views of its members in making an appointment; nor any mere diversity of opinion upon the qualifications of the candidate, however clear may be their conviction of their superior means of judgment; nor any belief of mis-

apprehension and error only in his rejection, — nothing, indeed, falling short of an inevitable conviction on the part of the Corporation of oppression, and of permanent injury to the College, or to their constitutional authority under the Charter, — should ever induce a departure from it.

In connection with this subject of appointments, the Committee were pleased to make the following remarks: "It has been a frequent practice, when a new professorship or other office is established by the Corporation, for them to send a record of their action on the subject to this Board, and at the same time present a vote appointing on their part some person to fill the office. *This is deemed by the Committee an irregularity*, and may be a source of much embarrassment and difficulty. *The Committee therefore trust* the Corporation will not hereafter proceed to an election to fill an office till its establishment has received the approval of this Board." (Rep. p. 14.) It is not added, that any appointment thus sent up was ever objected to on that account, nor could it be so said, with the exception of the case of the Plummer Professorship in 1855, when a like objection was suggested.

Upon reference, however, to the history of the College, it will be found that this has not only been a frequent practice, as the Committee admit, but that it has obtained in a majority of cases ever since the establishment of the College, beginning with the first three professorships; and that the Board of Overseers, by the vote of February 13, 1834, above referred to, recognize it as a proper mode of procedure. If, therefore, it be an irregularity, which seems impossible under these circumstances, it is one for which both Boards seem equally accountable.

It is obvious that no rule can be prescribed by the Overseers to regulate the proceedings of the Corporation upon this or any other subject, whether in the form of an order or by-law, or by the expression of any general opinion. The Corporation, in presenting appointments for confirmation, must exercise their own judgment and discretion as

to the most suitable time and manner; but will of course be always disposed to adopt those which the emergency and due respect for the convenience and pleasure of the Board of Overseers may seem to require. And if, in any instance, the time should seem to the latter not well chosen, or the manner liable to objection, or as tending to embarrassment, they have the power to withhold or defer their consent; and no imputation of irregularity can with propriety be said to rest upon either Board, in such exercise of its power according to its sense of duty.

SALARIES.

The next subject presented for consideration is that of salaries, and one to which the Committee of the Overseers seem to have attached peculiar interest and importance, as it occupies eleven out of the twenty-seven pages of their Report, and appears to have been the occasion of the most elaborate of their efforts in the way of historical development.

Your Committee concur in this opinion of its importance; for if there be one subject more than any other which they think should be especially and exclusively confided to a body of men so small, and therefore standing so prominently before the public, in the guardianship of one of its greatest and most important institutions, as to make each as it were individually and alone responsible for its doings; and holding their office permanently and independently of popular election; by habits and pursuit in life accustomed to the administration of affairs; and by residence and familiar acquaintance with persons and employments in the College, and by the duty of unceasing supervision over all its concerns having every opportunity of acquiring accurate knowledge of the peculiar fitness of the compensation for the service performed, and of the competency of the funds for the occasion, — that subject is salaries. And more es-

pecially does this appear to them to be so, in the remembrance that a very large portion of those which they have to determine are derived from donations given as their peculiar sources, and for the faithful appropriation of which the Corporation is alone legally responsible. It seems to your Committee that it would be an anomaly no less in wisdom and equity than in jurisprudence, to subject those who are alone legally answerable for the due appropriation of funds to the absolute control of those who are under no legal liability whatever concerning them.

The learned Committee not only appear to have been elaborate in their researches, but have sought to strengthen their position by the most unqualified and confident assertion of the unquestionable character of their claims; so that if the matter in hand were to be thus decided, it is settled beyond possibility of appeal. Thus, after some preceding statements, to be presently examined, assuming as unquestionable their claims of confirmation or supervision as essential to the validity of the grant of any salary, they say (Rep. pp. 16, 17): "But it may be regarded as A MATTER FREE FROM ALL DOUBT, that if no clause of said Act [the Appendix] applies to salaries, *then all votes or orders on that subject* REQUIRE THE CONFIRMATION OF THE OVERSEERS, AS IT IS PROVIDED IN THE CHARTER; but if any provision of said Supplementary Act does embrace votes or orders respecting salaries, (which is understood to be the opinion of some members of the legal profession,) then as to all such votes or orders *the Overseers* CLEARLY HAVE THE RIGHT OF REVISION." Again (p. 17): "Notwithstanding the confidence of the Committee in the doctrine above stated, YET, AS THEY ARE DESIROUS OF AVOIDING EVERY POSSIBILITY OF MISTAKE IN SUCH A CASE, *and as some persons* MAY HAVE DOUBTS WHICH IT IS DESIRABLE SHOULD BE REMOVED, the Committee have examined the records of the Overseers since the year 1707," &c., &c.

It may seem highly presumptuous in your Committee to express any distrust of the accuracy of conclusions thus

confidently stated. But still, as they not only have such distrust, but as a like course of investigation has led to an entirely opposite result in their own minds, and one at least of honest and deeply settled conviction, if not entertained or to be avowed with equal confidence, they trust for indulgence in a somewhat careful and extended exposition of the grounds of their belief.

And here again they deem it subject of no slight gratification and importance, that the learned Committee of the Overseers have not only clearly and fully stated the ground of their claims, but have also carefully and elaborately set forth their argument and historical reliances, so that the whole field of their exploration may be traversed, and the fruits of their researches justly weighed and measured. Encouragement as to the future, it is also hoped, may be derived from the consideration of the eminent ability and thoroughness with which they have conducted this branch of the investigation. The field of inquiry and argument, at least on their side, may be considered as exhausted, and the agitating questions calling for such efforts are now in the way to be finally put at rest, on whichsoever side the truth shall be found.

The Committee commence their argument (Rep. p. 15) with this statement: — "It is provided in the Charter, in substance, as appears in the passage hereinabove cited, that the Corporation may meet and make such allowances to the College officers and servants as they shall think fit; *provided*, their orders or doings on the subject shall be allowed by the Overseers. This provision is contained in the very section or part of the Act in which the matter of appointments is regulated, and that too by the same phraseology as is used touching salaries; and it has never been questioned by the Corporation, that all such appointments or elections require the confirmation of the Overseers." The "passage hereinabove cited," thus referred to, is the third clause in the Charter, cited on the fifth page of their Report, and also above (pp. 17, 18). The statement

they here give of that clause seems distinctly to represent, that the proviso in it contains the words "or doings" as well as the word "orders," and would naturally be understood to imply that the clause related only to appointments to office and allowances to officers and servants. But the slightest reference to it will show that no such words as "or doings" are there to be found; and that it embraces other subjects than appointments and allowances, to which the proviso certainly may exclusively relate. It must therefore be presumed, that the introduction of these words "or doings" must have been intended to be used as explanatory of the word "orders," or as synonymous with it.

Before proceeding to examine the position thus taken, your Committee desire to enter their respectful but earnest protest against the manner in which the proviso in that third clause is uniformly described, in every instance in which it is referred to in the Report; for however honestly expressive of its sense as entertained by the Committee of the Overseers, it is, to say the least, an arbitrary assumption of its meaning, and one which your Committee believe they have proved to be erroneous; and which certainly is calculated to mislead those who may rely upon these statements, instead of examining the Charter for themselves.

That proviso is in these simple words: "*provided the said orders be allowed by the Overseers.*" And the chief questions now in issue depend entirely upon the meaning of that word "orders" as there used;—the Committee of the Overseers assuming that it extends to appointments and salaries, while your Committee believe they have demonstrated that it should be confined to statutes, rules, and by-laws. To give to it, therefore, either meaning by descriptive adjuncts, or to attach to it assumed synonymes, when referring to it as a basis of argument, is not only to beg the whole question in controversy, but necessarily to mislead those who may rely upon such expressions as an ac-

curate account of it. Your Committee cannot but attach importance to this feature in the Report, since they can bear testimony to the great impression made upon their own minds, and upon those of others, on its first perusal, by this mode of referring to that proviso, no question then arising that this manner of citation afforded an accurate description of it.

The first attempt thus to enlarge the meaning of the word "orders," or rather to give an entirely new meaning to it, is found on page 8, where the Committee, in undertaking to recite the proviso at the close of the first clause of the Appendix, — and which is in these words: "Provided also that the Corporation shall be responsible unto, and *those orders and by-laws* shall be alterable by, the Overseers according to their discretion," — *substitute* the words "*votes or doings*" for *orders and by-laws*, as if they were precisely synonymous. The next occurs on page 9, where the word "*votes*" is used in conjunction, and as meaning the same, with "orders." The next is on page 14, where appointments to office are represented as "orders." And another on page 15, where, in undertaking to quote the third clause, they attach the words "or doings" to the word "orders," as being synonymous with it, for the purpose of making it appear clearly to extend to appointments and salaries. Again, on pages 16 and 17, the word "votes" is repeatedly attached to the word "orders," or the latter to the former, as if they were synonymous terms, and so to be considered in construing the Charter.

Your Committee believe that any such use of the word "orders" is not only entirely unauthorized by the obvious meaning of it in the proviso under consideration, and opposed to the whole context of the Charter, but also to all use of that word in the early records of both Boards; it being, as they believe, uniformly used to designate statutes, rules, or by-laws, and never as describing appointments to office, establishment of salaries, and the like. But whether

this be so or not, it is manifest that to assume, throughout the discussion, that it contains, and constantly to describe it as containing, a meaning the truth of which is the sole subject of argument, can have no tendency to throw light on that argument, nay, can hardly fail to prejudice the inquirer, however honest, entire, or enlightened may be the conviction that leads to such assumption.

It is then wholly upon this third clause, and the proviso at the close of it thus construed, that the Committee of the Overseers rest the claims of that Board to supervise and control the establishment of all salaries of College officers or servants. They indeed state (Rep. p. 16) that, in the opinion of some members of the legal profession, the Appendix has some application to the subject; but they do not represent it to be so in their own, nor give to that instrument, if it does apply, any greater efficacy than to substitute a right of revision for that of confirmation, required, as they say, by the Charter of 1650, — making that the whole basis of their present claim.

Your Committee have above stated their views concerning this clause and proviso, when considering the legal construction of the Charter, and their bearings upon the subject of appointments; and have nothing to add further, except to repeat, that, upon the clear and unambiguous meaning of that clause and proviso, as they read them, and upon the historical evidence which they have already above adduced of the uniform practice of both Boards under them, and the recorded full expression by both of their interpretation of them, that proviso has no reference whatsoever to the establishment of any salary made under authority of the clause to which it is attached. On this subject they have only to refer to their views as above stated (pp. 21–23, and 61–70), and to the evidence there offered of the entire mistake under which the Committee of the Overseers were laboring when they asserted that "it has never been questioned by the Corporation, that all such appointments or elections require the confirmation of the Overseers." (Rep. p. 15.)

But this Committee go much further, and, assuming thus erroneously that such had always been the unquestioned construction of this clause by the Corporation, and desiring to account for a practice not in unison with it, they go on to say: "But the Corporation has, on some occasions, particularly during a considerable period immediately preceding the year 1761, pursued a course which indicated that *in their opinion they could, by virtue of the said Appendix to the Charter*, prescribe salaries for the College servants by votes or orders, which went into operation without the confirmation of the same by the Overseers." (Rep. pp. 15, 16.)

What particular means the Committee have had of ascertaining the opinions of members of the Corporation upon that subject before the year 1761, or on what basis of reasoning or analysis they arrive at the conclusion, that its members were influenced in the course they pursued concerning salaries by any such construction of the Appendix, your Committee are utterly ignorant; but they must be allowed to express their entire disbelief in the correctness of any such inference from anything known to them. Moreover, as the same course has been pursued by the Corporation for the past forty years or more, they may be permitted to add, that, so far as they know the views of their predecessors, and so far as they know their own, they have never heard of or entertained any such opinion as the reason for pursuing that course, but have ever followed it in full belief that it is that which the Charter itself prescribes.

These preliminary matters being disposed of, which seemed to demand consideration from the manner in which they are introduced into the Report, and the eminent authority thus apparently given to them, your Committee proceed to the examination of the historical evidence adduced by the Committee for the purpose "of *avoiding every possibility of mistake in such a case*," *and removing any doubts which any persons may have*, concerning the right which they thus claim.

Your Committee, however, cannot think, that, if historical evidence is to be resorted to, the examination should commence with the year 1707, the time selected by the Committee in their Report, — being a period of fifty-seven years after the date of the Charter; or that the records of the Overseers are the only evidence to be adduced upon such a subject, as they seem to believe. They say (Rep. p. 17), that they "have no means of knowing what the practice was from 1657, the time of the enactment of the Appendix, to the year 1707; and nothing appears on the subject in the records of the Overseers till about 1722"; — yet it would seem (Rep. p. 6) that the Committee must have had means of familiar knowledge of the proceedings of both Boards in the interval between the granting of the Charter in 1650 and of the Appendix in 1657. At any rate, there are sources of information which were open to them, and, as they admit, freely at their command, in the records of the Corporation, and also in those of the General Court, which, as your Committee believe, throw much light upon the subject, and may perhaps lead to a different and a better apprehension of the later events above noticed by the Committee of the Overseers. The latter seem indeed utterly to ignore all that took place before 1722, a period of seventy-two years from the granting of the Charter; and they also virtually dispose in the same manner of the subsequent thirty-eight years, dismissing them with the passing notice, that "the right of the Overseers to revise the votes of the Corporation as to salaries, was at divers times in the course of them agitated"; that in a few instances the votes of the Corporation making allowances to instructors were presented to the Overseers, and that at several times calls were made on the Corporation for such votes, in which case they were "always promptly" presented (Rep. p. 18); — thus leaving the inference, that there were few if any instances in which the Corporation had appointed salaries *without submitting them to the Overseers for confirmation.*

It would seem reasonable to expect that the proceedings of the two Boards upon any subject, involving their relative constitutional rights and obligations, for the first period of one hundred and eleven years after their establishment, would be particularly instructive as regards their mutual understanding, and the legal nature, of those rights and obligations. Accordingly, this entire omission of any reference to their number or nature would naturally lead one to suppose that very few or none had ever taken place; or that all which had taken place were so unimportant as to be entitled to no consideration in such an investigation.

It is very true that the acts of the Boards illustrative of this subject were, in the early history of the College, fewer than they otherwise would have been, by reason of its dependence upon the General Court for pecuniary aid, and of the disposition of that body to place the distribution of its grants in the hands of the Overseers, as above stated. But even in the earliest times, there were many, and of more emphatic significance in this inquiry, in consideration of the irresistible power of that Board during those times, and of the corresponding extreme improbability that the Corporation would venture upon the assumption or exercise of any questionable right or authority. And in later periods, prior to 1761, they were of a frequency and importance which render this omission of reference to them wholly unaccountable in the minds of your Committee, otherwise than by supposing that the learned Committee of the Overseers, adopting the interpretation given by them to the proceedings of that year as unquestionably true, considered them as so conclusive upon the whole matter as to render all preceding investigations superfluous. But your Committee, entertaining a totally different view of those proceedings, and believing that a knowledge of the antecedent history of the two Boards on this topic is essential to a correct decision of the questions in hand, beg leave to present it for consideration.

From the year 1650, the date of the Charter, until the

year 1657, the date of the Appendix, there is nothing known to your Committee, upon the records of either Board, bearing upon the question. Were it not for the evidence which the learned Committee seem to have had, but which is not disclosed, that the College was acting under its Charter during that period, and that it was owing to great delay and inconvenience incurred in the managing of its affairs under the provisions of that statute that the Appendix was granted (Rep. p. 6), your Committee would have inclined to the belief, that no organization of the Board took place until the enactment of the Appendix, in 1657.

But assuming the position taken in the Report to be correct, the first proceeding which may be supposed to throw light upon the subject under discussion was an act passed by the General Court, in September, 1653, appointing a committee of inquiry into the affairs of the College, consisting of some of its own members and some of the Overseers. It appears that, "on perusal of the return of the committee, the General Court judged that all the College funds should be committed to the care and trust of the Overseers," — "*the several* yearly allowances of the said President and Fellows to be proportioned as the said Overseers shall determine concerning the same." This procedure was for the purpose of forcing the resignation, or effecting the removal, of the worthy and devoted first President, whose services and sacrifices for the College will ever be held in grateful remembrance by its Alumni, however appreciated by his contemporaries. He had made himself obnoxious to the distrust and ill-will of the ruling powers by a departure from their faith upon the subject of infant baptism. The motives and nature of the procedure, and the constitutionality of it, if the Corporation then had an organized existence, are not matters for comment here. But it is evidence tending to show, that up to that time the funds had been in the hands of the Corporation, if organized; and that the Overseers had not, by virtue of their office, any control over the apportionment of the several

yearly allowances of the President and Fellows, and that their consent had not been esteemed necessary for their validity. And this inference is much strengthened by a letter of the venerable President, written soon afterwards on resigning his office, in which he touchingly complains of the proceedings of the General Court, as being destructive of *the former laws and orders under which the College had been managed.*

By that act, it will be perceived that its funds were placed in the hands of the Overseers. In 1654 an annual grant was made of one hundred pounds out of "the County rate to the College," *to be distributed "between the President and Fellows, according to the determination of the Overseers of the College.*" No doubt can exist of the right of the General Court thus to regulate the distribution of its own bounty. But it is obvious that no such precaution could be thought needful, if the consent of the Overseers was, by force of the Charter, indispensable to the validity of any such distribution. This grant was continued for many years subsequently to 1657, the date of the Appendix. In 1669 a donation was made by inhabitants of Portsmouth, enabling that town to pledge the payment of £ 60 a year for seven years ensuing, "to be *improved by the Overseers of the College* for the advancement of good literature there." Other donations, it is also believed, were given in like manner. And we find, accordingly, that the Overseers, thus having the chief funds at their disposal, frequently made appropriations of allowances to Fellows, and students, and inferior officers, without any action of the Corporation upon them. In September, 1670, the Corporation voted "to speak to" the Overseers for the enlarging of the Butler's stipend.

In February, 1673, they voted that *an account of the salaries of two of the Fellows* (no doubt instructors) *be presented to the Overseers*, that "further establishment may be made for the encouragement of the Fellows." If the consent of the Overseers had been considered necessary, it

must have been given when those salaries were established; and no account of them, therefore, could have been needed for the purpose stated.

In January, 1673, the Overseers voted to pay Dr. Leonard Hoar £100 towards his transportation to this country. These votes sufficiently show that during that period the Overseers had funds under their control, and which they appropriated, entirely independently of any possession or agency on the part of the Corporation. At the same time, however, it appears that the Corporation had the exclusive appropriation and control of the moneys held by the College in its own right, and the distribution of which had not been placed by the donors in the hands of the Overseers; and appropriated them to payment of salaries, without any submission of such allowances to the Overseers, or any attempt on their part to interfere with them.

Such appointments of salaries were made in July and October, 1679; in April, 1682; in December, 1683; in October, 1684; in July and September, 1685; and at several other times before 1685 the Corporation had made grants or allowances to some of the Fellows for services. But no such appointment, grant, or allowance appears ever to have been submitted to the Overseers, or acted upon by them; although throughout this same period the elections of Fellows and all by-laws were duly so submitted, and are stated so to have been upon the records of the Corporation; — leaving no room for doubt, that, if the appointments, grants, and allowances had been thus submitted, that fact would also have been in like manner recorded.

From the year 1685 to the year 1722, *a period of thirty-seven years, the Corporation annually granted salaries to College officers, and in no instance was one such grant submitted to the Overseers.*

It is, therefore, established beyond dispute, if your Committee are correct in their belief and statement of these facts, that, for the first seventy-two years after the granting of the Charter, — during which time numerous instances

occurred of grants of salaries by the Corporation to all the officers of the College, and for half of which time such grants were made annually, — not an instance can be found of the submission of any one to the Overseers for their confirmation or rejection, or of any claim made by them of right to have them thus submitted. And when it is considered that during all this period the Board of Overseers was composed of some of the most powerful and prominent men in the Colony, and that acts of severity, if not of oppression, on their part, and on the part of the General Court, towards the Corporation, as a comparatively very humble body, had been occasionally committed, your Committee are at a loss to imagine proof more entire and satisfactory of the true construction of the Charters on this subject, so far as the understanding and intentions of the framers of them, and of their immediate successors, and their practice under them, can be accounted legitimate evidence of sound interpretation. Nor can they comprehend how it was that the Committee of the Overseers had "no means of knowing what the practice was from 1657, the time of the enactment of the Appendix, to the year 1707." (Rep. p. 17.)

Having thus, as your Committee think, shown a clear, uniform, and established practice, down to the year 1722, wholly adverse to the claim now made by the Overseers, they come to the period when the question was first raised of their power over salaries; though the one then agitated was not, as the Committee of the Overseers seem to think, the same as that now in discussion, — of a general power over salaries, — but one of a limited and especial nature.

The nature of that procedure has been necessarily anticipated above, in treating of the subject of appointments (pp. 62 – 64). It was an effort on the part of enemies of the Corporation in the Board of Overseers to drive from office the President and three of the Fellows, who were obnoxious to their displeasure from the party differences and jealousies of those times. And the mode adopted was by

procuring three resolutions to be adopted by the General Court; one declaratory of the intent of the Charter, as requiring that the officers of government and instruction should be the Fellows of the Corporation, not exceeding five in number; the second, "that none of said Fellows be Overseers"; and the third, that "the President and Fellows of the said College, or the major part of them, are not warranted to fix or establish any salary or allowance *for their service, without the approbation and consent of the Overseers.*" The first, if prevailing, would have removed all the obnoxious Fellows, they not being instructors; and the third would have placed it in the power of the Overseers to remove the President at will, by giving them the entire power of withholding any salary from him, or allowing such only, and on such terms, as should render it impossible or derogatory for him to retain his office. Such power over the establishment of salaries would, in truth, give absolute authority over all the officers of the Corporation and of the College receiving salaries for their services.

As above shown (p. 63), no pretence was then made of any right on the part of the Overseers to interfere with or control the establishment of the salaries of any officers or servants appointed by the Corporation *under the third clause of the Charter;* but only of those in its own Board. This movement, therefore, made at that time, and with such motives, and under such circumstances, not only affords, as your Committee believe, the strongest possible evidence that no such pretence was then entertained by the Overseers, but is also to be regarded as a distinct admission that the claim now made, of general power of supervision and control over salaries, under that clause, is entirely without any just foundation.

If the resolves had been concurred in by the Governor and Council, they obviously could have been of no legal validity, as the exposition of the intent and meaning of charters belongs not to the legislative or executive, but to the judicial department of the government. Those re-

solves, being non-concurred in by the Council, after a hearing granted to the Corporation which had been denied by the House, were never afterwards heard of; and the Corporation went on, as before, annually voting the salaries of College officers, without submitting these votes to the Overseers, or any pretence of claim on their part to have them so submitted, until the year 1732, — another period of ten years. In the mean time, in December, 1722, the Overseers *recommended* to the Corporation that they should make a gratuity to Mr. Flynt (a tutor) for his past services as clerk of the Overseers, and settle a salary upon him for the future; and a vote was accordingly passed and concurred in by their Board.

In June, 1722 and 1723, votes of the Corporation appointing Mr. Judah Monis an Instructor in Hebrew, with a salary of eighty pounds, were sent up for concurrence, and approved. In a few instances the Overseers *recommended* to the Corporation to increase the salaries of certain officers. This was done in 1723, on the memorial of Tutors Sever and Welsted; in June, 1724, in the case of Professor Wigglesworth; and in September, 1725, concerning all the tutors' salaries. In these cases no votes had been sent up by the Corporation, nor did the Overseers assume that their consent was necessary to the validity of any grants, but simply advised or recommended the augmentations which they thought advisable. And they are mentioned, not as affording instances of any admission by the Corporation, or any assumption by the Overseers, of any such right as that now claimed, — for they plainly are not such, — but to show that they have not been overlooked.

In 1732, the next agitation, if it may be so considered, of any question on this subject took place, when, as above related (pp. 64, 65), an inquiry being instituted by the Overseers into the condition of the College, a committee reported, among other proposals, "that, whereas heretofore, under the Charter, salaries were wont to have the allowance of the Overseers," they should "assume their right of

stating and allowing salaries *according to the ancient practice"*; which being amended by the Board by substituting the words "consenting to" for "stating," was sent down to the Corporation, and was never afterwards heard of or alluded to in either Board, so far as the records show. It is evident that the committee had been misled into the belief that the Overseers possessed the *original power* in their own right, under the Charter, of *stating or allowing salaries*, by the fact that during the early periods of the College history they had exercised unlimited authority in establishing salaries, and in making such allowances, out of the funds given to them or placed under their control by the General Court and other benefactors, as has been above shown; — for it will hardly be pretended that any practice had ever existed of their undertaking so to distribute or to control the distribution of any funds held by the Corporation in its own right, and not made by the donors expressly subject to appointment by the Overseers. The utter silence ever after prevailing in both Boards concerning this proposal, — after the subject had been thus deliberately and prominently presented for consideration and investigation under such peculiar circumstances, affords, as has been before suggested (pp. 64, 65), very strong evidence that the Overseers had then become satisfied to abandon all claims to the supervision and control over salaries appointed by the Corporation, as untenable.

From that time to 1761, a period of twenty-nine years, no further question appears to have been entertained of the absolute and exclusive right of the Corporation over the establishment of salaries. That Board continued to appoint them in all cases, and not an instance is to be found, on the records of either Board, of the submission of any one of them to the Overseers for concurrence. And this statement, completing the history of the subject for the first hundred and ten years from the foundation of the College, as a chartered institution, — a period embracing more than one half of its existence, but which the learned

Committee of the Overseers have seen fit to pass with only the incidental and casual notice above mentioned, — seems to your Committee of great moment in determining the constitutional relations of the two Boards in the matter under consideration.

It proves that the Corporation, during the lives of the framers of the Charter, and of their successors, for a period of a hundred and eleven years, — who may well be supposed to have the best knowledge of the intent of its provisions, and under circumstances the most adverse conceivable to any usurpation or unwarrantable exercise of authority by the Corporation, and notwithstanding zealous efforts to deprive them of it by opponents among the ablest and most influential men of their times in Church and State, exercised the exclusive power of appointing the salaries of all College officers, excepting in instances where such power of appointment was expressly vested in the Board of Overseers by the donors of the funds out of which they were to be paid. Taken by itself, this would certainly justify, if it did not render irresistible, the conclusion, that the power under consideration originally and rightfully belonged to the Corporation, — a conclusion deriving additional force from the consideration that the question had been twice agitated; in one instance, pressed with great earnestness by zealous, able, and most powerful opponents, intent upon breaking down that Board by the operation of it, — though claiming less power than that now asserted by their successors, — and ultimately abandoned after a severe conflict; and in the other, where the same general power was claimed as now, apparently withdrawn as soon as investigated.

With this reasonable presumption, therefore, in favor of the position that this exclusive right is vested in the Corporation, founded as is believed upon the clear and express provision of the Charter in the third clause, and the usage of the two Boards for more than a century, your Committee proceed to examine the historical evidence com-

mencing at the expiration of that long period, adduced by the learned Committee of the Overseers in denial of this right, and in defence of their claim of supervision and control, — evidence which they appear to deem so conclusive.

They introduce it by remarking, that, from the year 1722 to 1760, "the right of the Overseers to revise the votes of the Corporation, as to salaries, was at divers times agitated; and in a few instances the Corporation presented to the Overseers their votes by which allowances were made to instructors, for their approval, and at several times a call was made on the Corporation by the Overseers to send to the latter Board their votes in relation to salaries and other subjects, which call was always promptly complied with on the part of the Corporation, and their votes were duly presented. *This important point being fully settled, and the difficulty as to obtaining possession of the votes of the Corporation being removed*, the Overseers took up the subject of salaries in earnest, and adopted the following vote." (Rep. p. 18.)

This passage, as do some others which your Committee regret to notice in the Report, — taken in connection with the statement (Rep. pp. 8, 9) that the Corporation, in consequence of acquiring power by the Appendix to enact by-laws which should become operative before confirmation by the Overseers, "*kept close upon their books most of their doings*, whereby it sometimes happened that important votes or orders were unknown to the Overseers for years," — seems designed to produce an impression unfavorable to the character of the Corporation for candor and propriety of conduct, in reference to their votes requiring presentation to that Board; which, so far as your Committee have been able to ascertain, is not justified by any event in the history of the College. Nor have they been furnished with evidence of any by the Committee of the Overseers, although a respectful request in writing was made to their chairman for information touching this charge; to which a verbal reply was given, repre-

senting that he was unable to find the memoranda made by him of the particular instances referred to, indicating, as was thought, a disposition to forego such communications, and that he did not intend the imputation of any deliberate wrong in the remarks made in the Report upon this subject.

Neither are your Committee able to understand what was the "important point" thus "fully settled," nor the "difficulty as to obtaining possession of the votes of the Corporation" thus "removed." If the important point referred to were that of the right of the Overseers to revise salaries, with its acknowledgment by the Corporation, there would not seem to have been any occasion for again taking "up the subject in earnest." Or if the "point" and "difficulty" related to the obtaining knowledge of the proceedings of the Corporation, it is very clear, upon their own confession, that none had existed; for they expressly say, that during that whole period, from 1722 to 1760, the call of the Overseers for "votes in relation to salaries and other subjects" "*was always promptly complied with on the part of the Corporation, and their votes were duly presented.*"

In order to any just apprehension of the value of the evidence adduced by the Committee in their Report, now to be examined, the position for which they claim its support, and the soundness of which they assert to be proved by it "beyond possibility of mistake," must be constantly and clearly borne in mind. It is, that a right is vested in the Overseers to revise and control all appointments of salaries, by virtue of authority given to them by the proviso making part of the third clause of the Charter; which clause they represent as the source of all power in the Corporation to elect to any office except to their own Board, or to establish any salary. That clause, as has been seen, is expressly and alone quoted as the source of all such power in the Corporation, and all such right of the Overseers. (Rep. p. 15.)

The Committee state the evidence thus: — That, at a

meeting of the Overseers, November 20, 1760, it was "Voted, that there be a committee to consider whether it is in the power of the Corporation to make allowance to those who are employed in the government or instruction of the College, without the consent of the Overseers." That "on the 11th of June, 1761, this committee made a report, which was read, and the 9th of July then next was specially assigned for its consideration; and it was voted that the Corporation be served with a copy thereof." That "on the 26th of the same month of June, the Corporation met and passed the following vote, viz.: Voted, that whatsoever salaries or grants shall be hereafter made to any *of those who are in the Government of the College*, shall be laid before the Overseers for their consent, and that this vote be presented to them for their approbation." That on the 9th of the following July this vote of the Corporation was laid before the Overseers, and "was read and consented to, 'it appearing,' as the record states, 'to this Board [the Overseers] to be agreeable to the College Charter.'" (Rep. p. 19.) And the Committee observe: "By this action of the Corporation, they clearly gave up the great question in controversy, and in fact seem to have admitted it to be essential to the validity of their votes or orders respecting salaries and allowances, that the same should receive the consent of the Overseers." Such a conclusion, from such premises, seems to your Committee somewhat marvellous.

The Committee further set forth certain votes of the Corporation, passed in the ensuing month of September, establishing the salaries of two professors, four tutors, and the Instructor in Hebrew, of the Treasurer, and of the clerk of the Overseers. No mention is made of those of the Steward, Librarian, or any other officers or servants.

It will be observed that the vote of the Overseers of the 20th of November, 1760, appointing the committee, directed them to consider whether it was in the power of the Corporation to make allowance to those who were em-

ployed in the *government or instruction of the College*. The only further proceeding of the Overseers upon the subject before the passing of the vote of the Corporation, was a vote to have a *copy of the report of its committee served upon that Board;* and there is nothing to indicate that the Corporation had any other act of the Overseers before them than that report, when they passed their vote.

The conclusion, therefore, is inevitable, that the claim thus made by the Overseers was intended by them, and understood by the Corporation, to be rested upon the ground taken in that report, and cannot be considered as having been more extensive than is therein stated; and must have been exclusive of any other claim therein repudiated. That report, therefore, is the only authority for the exact nature of the claim, and the grounds upon which it was based, and also for a just explanation of the vote of the Corporation, so far as it may need any. Fortunately that report is still in existence in the College archives, together with the reply to it by the Corporation; both were also in the hands of the chairman of the Committee who made the Report under consideration, and copies of both are hereto annexed, as before mentioned, marked Appendix, No. IV. and Appendix, No. V.

No allusion is made to the contents of that report by the present Committee of the Overseers; on perusal, however, it is perfectly manifest that the Overseers then made no such claim as is now advanced by them, but one much more limited, *confining it solely to the salaries of officers of the Government*, not extending it even to those of officers of instruction who were not at the same time members of the Government, — much less to others. Again, it appears that they not only did not rest their claim upon this third clause, but based it wholly upon the fifth clause, *expressly pointing out the third as one which applied to salaries of such officers and servants only as the Corporation had the exclusive right under it to appoint independently of the Overseers*, and therefore as being inapplicable to salaries of officers of the

Government, which were "to be chosen with the consent of the Overseers"; and thus in the strongest possible manner not only admitting, but declaring, that *the power of the Corporation to appoint officers and allow salaries under that third clause is absolute, and uncontrollable by the Overseers.*

It is worthy of especial notice, that while the vote of the Overseers appointing the committee required them to consider and report upon the question, whether the Corporation could make allowance to those employed in the government *or instruction* of the College without their consent, the committee in making their report are wholly silent about the salaries of those employed in instruction *only, and confine their argument wholly and only to those of members of the College Government, to whose appointment their consent was necessary.* And as the committee rested their claim wholly upon the Charter, and by it no other appointments than those of members of the Corporation are made subject to such consent, — the Overseers themselves admitting, in that same report, that they had no control over those made under the third clause, and there being no other provision in the Charter that touches that subject, — the conclusion is irresistible, upon the construction of the Charter, that their claim must be confined to the right of control over salaries of members of the Corporation. And such indeed seems to be the whole scope of their argument, which was based upon the fifth clause, assuming that it gave them control over the disposing by the Corporation of the revenues of the College, "for the better ordering of *the government* of said College and Corporation," and that this necessarily involved the disposing of the "revenues to the support and encouragement of *those concerned in the government* of the College; for without such a disposition, the *government* of the College could not be well ordered, nor indeed subsist at all."* And in confirmation of their views they cite the resolve of the General Court in 1722,

* See Appendix, No. IV.

above considered, which is in terms expressly confined to salaries or allowances for services of members of the Corporation (p. 96). Again, they rely upon the principle that it is contrary to the usage of all well-regulated societies to "*permit their officers to settle the question of their own salaries, and then pay themselves out of the common treasury*"; — an argument which, it is plain, could be applicable only to salaries of members of the Corporation. Moreover, upon reference to the records, it will be found that at that time five out of the seven members of the Corporation were drawing salaries from the College treasury, thus presenting a case clearly within the scope of their argument.

And the vote of the Corporation, so much relied upon, was in exact correspondence with the Report, expressly confining the proposed submission to the Overseers of salaries or grants to such as should thereafter be "*made to any of those who are in the Government of the College.*"

If, therefore, it were admitted that these proceedings and this vote could be considered as giving up any question in controversy, or as admitting any right of the Overseers under the Charter to exercise any control over any salary, — which, however, your Committee maintain to be a palpable mistake, — it is plain, that, so far from supporting the present claim of the Overseers, or constituting any ground upon which it can rest, they annihilate both, and prove not only that the Overseers never claimed, and that the Corporation never admitted, any such general right of revision or control over salaries, and that this third clause was never referred to as the basis of any such claim, but that both such claim, and such ground of any, were expressly repudiated.

Nor is this all; for, as your Committee confidently submit, these proceedings and this vote of the Corporation, instead of being accounted any admission of any right of the Overseers under the Charter, even over the salaries of the officers named in the vote, are to be accounted very strong,

if not decisive, evidence against any such admission, and that the Corporation thus carefully repudiated any. It is to be borne in mind, that although the Overseers, by thus voting to send down a copy of that report, must be presumed to have adopted the views it contained for the occasion, yet no official vote accepting the report, or declaratory of the views advanced therein, was passed and entered upon their records, or sent down to the Corporation, by which the assertion of them was made permanent, — the report itself not being recorded. And on the other hand, no vote of the Corporation whatever expressly referring to that report is to be found upon their records, by which their acquiescence in its principles or conclusions can be inferred. On the contrary, an elaborate, and, as your Committee think, perfectly successful reply was immediately made to it, and placed on file with it, a copy of which constitutes Appendix No. V. And all else that appears ever to have been done by that Board in the matter was the vote of the 26th of June, above cited.

Now your Committee believe that the only reasonable and just inference from all these proceedings is, that the Overseers having made a claim, as matter of constitutional right, and submitted it to the consideration of the Corporation, and that Board denying any such constitutional right, and stating their reasons for such denial in full in a counter report of equal publicity and permanence, but being willing, from motives of delicacy and sound policy, to acquiesce in an arrangement to effect the end desired by the Overseers, the controversy, if such it may be called, was amicably arranged by the agreement of the Corporation to enact a vote to that effect, to constitute a by-law for the future.

If the Corporation had intended to acknowledge the legal right claimed by the Overseers under the Charter, some vote expressive of the receipt of it and of such acquiescence would have been the only proper and the natural course of action. Or at least they would have proceeded

thereafter simply to send up salaries for concurrence, as they did elections of members to the Board, and rules and by-laws. But instead of doing this, they proceed formally to enact an order or by-law, that they will thereafter send up to the Overseers the votes determining certain particular salaries for their approbation and consent, — a perfectly senseless proceeding *if such was their obligation under the Charter.* And they take especial pains to give to this enactment the precise form and character of an order or by-law, as distinguishable from any recognition of a chartered obligation, by appending to it the necessary element of an order or by-law, namely, that it should be submitted to the Board of Overseers *for their approval;* which would be absurd if intended *as any acknowledgment of their absolute right under the Charter to all that the order provided for.*

That this is the true solution of this transaction is further strikingly manifested by the action of the Overseers themselves, when the order was presented to them, who, instead of contenting themselves with a mere statement of their consent, as was usual, added to their vote declaring it the words, "it appearing to this Board to be agreeable to the Charter," — evidently to exclude the conclusion, otherwise inevitable, that they had thus confessed themselves in error, and had surrendered their claim of absolute constitutional right, and accepted a by-law, founded upon a voluntary action of the Corporation, in place of it.

It was a clear case of mutual arrangement, the Corporation denying the legal obligation, but willing to adopt the proceeding in a form that should not commit it to any acknowledgment of such obligation; and the Overseers not being disposed to record an unreserved surrender of their claim, but willing to accept the substitute proposed by the Corporation, with a salvo that it should not be understood as admitting their claim to be untenable. Whether this salvo was thus attached because the majority

of the Overseers were not convinced by the reply of the Corporation that the claim was not maintainable, or because they considered it a doubtful matter, or from delicacy to their committee, who had so confidently urged it, or from any other cause, is of no consequence. It was clearly, on the part of the Overseers, a practical surrender of their alleged constitutional right, and a practically successful resistance of it by the Corporation. And considering the relative power and influence of the two Boards at that time, it is difficult to believe that the Overseers would not have insisted upon their right, and have refused acquiescence in any such arrangement inconsistent with it, if not upon the whole convinced that it was untenable, or too questionable to be made the subject of any controversy injurious to the interests of the College. Can any instance be found, on the records of either Board, of an enactment of an order or by-law for the sending up of elections of members of the Corporation, or of orders and by-laws, or of anything else which by the Charter the Corporation is required to send up, — or any vote of the Overseers relating to any such subject, to which they thought it necessary to append such a salvo?

And there were exceedingly good reasons why this requisition of the Overseers for a supervision over the establishment of the salaries of those employed in the Government of the College should have been at that time acquiesced in by the Corporation. As has been stated, five out of the seven members of it — three of them being principal instructors — were drawing salaries from the common treasury. Delicacy, therefore, and a sense of propriety, as well as due regard for public confidence and goodwill, would naturally prompt on their part a willingness that salaries appointed by themselves, a majority of whom were directly interested in such appointments, should be submitted for the approval of the higher Board: and especially of one possessing such widely spread public regard and influence. And these motives doubtless received

great additional impulse from the circumstance that the question of the establishment of another rival College in Berkshire had begun to be agitated, creating great alarm among the friends of Harvard; and also from the fact that application was about to be made to the General Court for aid in means to erect another hall, which had become necessary; so that cordially united and mutually friendly efforts of both Boards were called into active requisition for the protection and welfare of the institution over which they presided.

The order or by-law thus established was, as the Report states, most faithfully complied with by the Corporation down to the year 1811, when another was passed, providing that the salaries enumerated in it should be paid quarterly, until they should be altered by the Corporation, with the approbation of the Board of Overseers; since which time, as is further stated in the Report (pp. 22, 23), the Committee "upon cursory examination have noticed not more than three or four instances in which votes adopted by the Corporation respecting salaries have been presented by them to the Overseers for their consideration and approval."

It is worthy of notice, in this connection, that the votes of the Corporation establishing salaries, sent up to the Overseers for confirmation in the years 1761 and 1810, and cited in the Report under consideration (pp. 19 – 21), embraced salaries of officers clearly not in the government of the College in any sense, and therefore not within the scope of the order or by-law of 1761, — for instance, the clerk of the Overseers, the Hebrew Instructor, and the Librarian, — and also included grants for clerical services, &c.; to all which there could be no pretence that the consent of the Overseers under the Charter was considered by them as necessary at the time when that order was enacted. This goes far to prove that the Corporation, in thus sending them up, was not acting under any admitted obligation under the Charter, nor acting exclusively even under that

of the by-law, but was doing so from a disposition to lay all their proceedings on these subjects before the Board of Overseers.

Your Committee deem it unnecessary to advert further to the argument adduced by the committee of the Overseers in the report of 1761, in favor of the limited claim then made, and founded upon the fifth clause of the Charter, than to refer to the views they have already presented when considering the true construction of that clause, and the subject of appointments (pp. 23 – 28), and to its palpable inconsistency with the claim and argument now advanced, and its implied entire abandonment by the Committee in the Report under consideration, to whose chairman it was not unknown.

Nor is it needful to recapitulate the reasons why, if the Corporation could be supposed ever to have temporarily relinquished a power vested in them by the Charter, or to have submitted to any restriction upon its exercise, such relinquishment or submission, in whatever form, could be of no legal obligation, but would become a practical violation of duty and breach of trust, whenever, in the exercise of their judgment, the continuance of it should become inconsistent with the interests of the College: as these reasons have been already stated in considering the subject of Appointments (pp. 79, 80). That no practice of that nature could avail to deprive the Corporation of the right to resume the power, there is, for the purposes of this discussion, the highest authority in the principle avowed by the learned Committee in their Report (p. 17); but, as above shown, no such practice implying the admission of any such right has ever existed.

Upon the foregoing review of the whole history of the College upon this subject, and of the particular evidence adduced by the learned Committee of the Overseers in support of their claim of "the right of confirmation or revision respecting the votes and doings of the Corporation in relation to salaries and allowances to instructors and

officers," your Committee respectfully submit, that it has no valid foundation in the Charters, nor in any acknowledgment by the Corporation, nor in any practice implying it. But, on the contrary, that the absolute and exclusive right of the Corporation to establish salaries, uncontrolled by the Board of Overseers, is expressly ordained by the Charter; that all attempts on the part of that Board to exercise any such control, as a matter of constitutional right, have been successfully resisted by the Corporation and ultimately abandoned by the Overseers; and that the uniform practice of both Boards has, excepting in such attempts, been from the beginning in accordance with the possession of such exclusive power by the Corporation, — the only seeming departures from its assertion, or acknowledgment, being clearly shown to have been founded upon orders or by-laws voluntarily enacted by the Corporation and approved by the Overseers, and so constituting additional proof of its existence.

A very striking and recent illustration of the entire mutual understanding of the two Boards upon the subject of salaries, and all other matters of finance, and of the novelty of the claims now made, is found in their proceedings in 1841. The Board of Overseers in the month of January of that year, being, as it would seem, either under an impression that the Corporation had not been so communicative of their proceedings as might be expected, or desirous of fuller information of the nature of their duties and of the manner in which they were performed, sent down a request, on the motion of an eminent legal member of the Board, that the Corporation would lay before that Board, "for the information of the members thereof, a copy of the records of the Corporation for the last two years, so far as they related to matters of general interest, or such as might be deemed proper by the Corporation to be made known to the Board of Overseers." And it was therefore voted by the Corporation, "That, pursuant to the said request, the President be authorized to lay before the

Board of Overseers such parts of the proceedings of the Board, for the last two years, as relate to matters of general interest, and which are proper to be communicated to that Board."

In pursuance of these votes, a copy of all the records of the proceedings of the Corporation for the two years named in them, excepting such as related to financial concerns, was laid before the Board of Overseers ; and the same was received with expressions of entire satisfaction, and of no little surprise at the number of meetings and amount of labor thus exhibited. Not an intimation was suggested or hinted that there was any subject omitted in the report which it was proper should be laid before the Overseers, although it was plainly impossible for them to have overlooked concerns of such importance as the investments of the funds of the College, its expenditures, salaries, &c., if they had been considered by any member of the Board as falling within the limits of its request.

Negative evidence more entirely conclusive than this of the entire understanding of the two Boards that the subjects of finance and salaries were not among those over which the Board of Overseers had rightful revision and control, cannot easily be imagined. It may also be well to remember that the Corporation at that time included Mr. Justice Story and the Chief Justice of the Commonwealth, and that the Overseers possessed a full share of legal talent and learning, and were bent, as their vote shows, upon the faithful exercise of all their legitimate authority.

Another occurrence of still later date is perhaps more strikingly indicative of the same mutual understanding of the reciprocal rights and obligations now in question. The Statutes and Laws of the University underwent an entire revision by both Boards in the year 1848, and a code was adopted by their concurrence, after amendments by the Overseers. This code purports to contain all the laws of the University, including those of its general organization

and government. It contains, in Article 5, a precise description of the duties of the Treasurer, including that of submitting his accounts to committees appointed for the purpose by the Corporation and Overseers, and that of *making annually to the Overseers a general statement of the receipts and expenditures of the institution.*

It states, Article 28, that all the officers of instruction and government in the University are chosen by the Corporation, with the concurrence of the Overseers, and are subject to removal for inadequate performance or neglect of duty, or misconduct. But we look in vain for any article or suggestion that the action of the Corporation upon salaries, or any financial matters, is to be submitted to the Overseers, or be in any manner subject to their confirmation or revision. The only instances in which the subject is alluded to are in prescribing the duties of the Treasurer as above stated, and also in three cases where new salaries were to be created, — *in all which the power of establishing them is vested exclusively in the Corporation;* the statutes themselves approved by the Overseers being thus, so far as the subject is alluded to, in direct conflict with the claims now made by the Committee in their behalf. (See Articles 35, 133, 149.)

It is submitted with great confidence, that clearer proof could not be exhibited, that, up to the time of the revision and establishment of that code, in 1848, the Overseers did not claim, and did not imagine that they possesssed, the power of revising and controlling the action of the Corporation in its investments and management of the finances of the College, or in the establishment of salaries; for it is impossible to believe that, if they considered themselves as having such powers, — the existence of which would necessarily involve the duty of a faithful exercise of them by active, regular, and systematic supervision and control, — they should, when acting upon the subject, have enacted no laws regulating, or enabling them to maintain and enforce, such supervision or control, or giving them opportunity for

such maintenance or enforcement, but should rest content with a mere proviso requiring of the Treasurer *an annual exhibition of what had been done*, and which of course would be too late for the exercise of the powers asserted; and that, in the only instances in which they should provide any law touching any salary, or expenditures, they should place the right to establish or make them in the Corporation wholly, and independently of any such right of revision or control on the part of the Overseers. To suppose that the Overseers considered themselves as possessing the powers now claimed, and with that knowledge approved of this code, is, your Committee respectfully submit, to suppose them wanting in fidelity to the trust reposed in them, which no one can think possible in reference to such subjects.

In regard to the present position of the two Boards, and the course to be hereafter pursued upon this subject, your Committee are of opinion that the question whether the establishment of any particular salary, or class of salaries, shall be submitted to the Board of Overseers, and so made subject to their consent or rejection, is one to be decided by the Corporation, according to their best judgment and discretion, whenever it shall arise for decision. No such uniform practice in favor of such submission can be pretended as has existed in respect to appointments to office; nor have any reasons in favor of such a practice presented themselves, or been suggested to the minds of your Committee, which could lead to its continuance, if existing, or to its future establishment. The order or by-law of 1761 was clearly repealed by that of December, 1810, and this has been virtually abrogated by mutual consent of both Boards; — all the salaries established by it having been altered, and some of them repeatedly, these changes being of course known to the committees of the Overseers in their annual examinations of the Treasurer's accounts, and appearing in his printed Reports above mentioned; and numerous new salaries having been estab-

lished, the existence of which was not only made known in like manner, but must have been in every instance brought to the knowledge of the Overseers, or suggested to them, when appointments to the new offices to which they were attached were presented for confirmation. And your Committee are unable to perceive in the nature of the case, or in any exigencies of the College, any reason to revive any such law, or to depart from a practice in conformity with the chartered relations of the two Boards, which existed for the first century and more, and has characterized the last forty years.

TENURE OF OFFICE.

The subject of Tenure of Office in the College is disposed of by the Committee of the Overseers (Rep. p. 15) in a few general propositions composing one paragraph, and founded upon the idea underlying the whole Report, that the powers of appointment and of establishing salaries are vested in the Corporation by the third clause, and that all are subject to the control and supervision of the Overseers by virtue of the proviso at its close. The error of the last-mentioned position your Committee believe to require no further exposition.

No practice can be adduced on either side in confirmation or disproof of the claim here set up. There have been, as your Committee believe, but two recorded cases of removal of College officers; one of a professor in 1738, by a vote of the Corporation, concurred in by the Overseers, and one of a tutor, which took place in 1742; the proceedings of both Boards in regard to which were such as to make them very clearly no precedent of constitutional right on either side.

If the views concerning the true intent and meaning of the third clause above presented by your Committee, in treating of the construction of the Charter, and of Appointments and Salaries, be correct, the power of removal of

College officers is, by the Charter, vested solely in the Corporation; and therefore the consent of the Overseers is not required by it, excepting in those cases where the foundations of professorships, or other offices, provide that the consent of the Overseers shall be required for such removal.

If, at the expiration of the term for which any officer were appointed, a renewal of his appointment for the same or any other term should be made, the Corporation would doubtless, in analogy with their practice in cases of original elections, present such renewal for confirmation. It is apprehended, however, that the mere continuance of an officer, who had been approved by the Overseers when appointed, in the performance of the same duties, after the expiration of the term for which he was so appointed and approved, — no change having taken place in the services required of him, or in other relations affecting his position, — would be a very different case in principle and policy from that of a new appointment, and could not be with propriety accounted any irregularity, as the learned Committee assume. It is a case in which this Board would be at entire liberty to exercise its discretion in regard to any new presentation to the Overseers; though, where a determinate intention existed of any permanency in such continuance, they would unquestionably make one.

Your Committee having thus endeavored carefully, and, as they hope, with becoming candor and respect for the honorable Committee whose Report they have been considering, to discharge the duty imposed upon them in reference to the subjects of inquiry specified in the vote of the Overseers appointing said Committee, and in reference to all concerning which it is proposed that joint rules should be adopted for securing the respective rights of the two Boards, and for regulating their future intercourse, — namely, Finances, Donations, Appointments, Salaries, and Tenure of Office, — they would very gladly here terminate their laborious task.

All the topics above mentioned are within the express provision of that vote and the resolution appended to the Report appointing the same gentlemen as a committee of conference, and involve no other issues than those of such honest diversities of opinion as might arise upon questions of legal construction of the College Charters, and the weight of historical evidence. But one other remains, which your Committee do not perceive to be embraced in either that vote or resolution, involving a very different issue, over which that Committee have assumed jurisdiction, — allusion to which here will, as your Committee trust, be attributed, not to undue sensitiveness, but to a reasonable self-respect, which may not permit this Board to pass it in silence. They refer to the increase of salary recently attached to the office of the College Treasurer.

TREASURER'S SALARY.

This subject occupies a conspicuous position in the Report, from the space devoted to it, and from the very pointed remarks in which the Committee have seen fit to indulge in reference to it; and also from its obvious tendency to bring severe reproach upon the Coporation, which, it is to be presumed, nothing but an imperious sense of duty on the part of the gentlemen composing that Committee could have led them to design.

After a very cursory allusion to the history of the treasuryship, from the year 1810 to the year 1852, for the purpose of attempting to show that the incumbents of the office during that period had derived from it no pecuniary emolument, — but with no reference to the great changes in the nature and extent of the services and responsibilities which in the later portion of it have occured, — the Committee proceed to use the following language: "The Committee, therefore, *are surprised to learn* that the Corporation did, on or about a year prior to the resignation of Mr. Eliot, viz. about November 27, 1852, pass a vote direct-

ing a salary of fifteen hundred dollars to be paid to the Treasurer, which was over and above the usual allowance to him of about eight hundred dollars per annum, for expenses of clerk-hire, rent of office, etc. *Under such circumstances, it is difficult to comprehend for what reason* said order or vote was adopted." (Rep. pp. 24, 25.)

They proceed immediately to add: "The Committee have no doubt that there are *many* highly respectable gentlemen in this community, of perfect responsibility, and every way qualified for the situation, who would take this office, being one of high honor and dignity, and discharge its duties faithfully and satisfactorily, without compensation. *They therefore cannot, without further information than they have been able to obtain, perceive any good reason why the Government of the College may not save this sum of fifteen hundred dollars every year.* The vote by which the Corporation undertook, in 1852, to attach a salary of fifteen hundred dollars to the office of Treasurer, has never been presented to this Board; *and the passing of the same by the Corporation furnishes, in the opinion of the Committee, pregnant evidence of the propriety of its being insisted upon by the Overseers, that they should have an opportunity to pass judgment upon every vote of the other Board in relation to salaries and allowances to officers and instructors.*" (Rep. p. 25.)

They then proceed to intimate, that the only amount of salary now legally established is that ordained by the vote of 1810, and that therefore the amount paid pursuant to the vote of 1852 has been unlawfully appropriated.

Your Committee have given these extended extracts, that they may not be thought to have been led into any misrepresentation or exaggeration of them, in the comments upon their nature and tendency about to be submitted; although any such comment on language so explicit and so pregnant of suggestion may perhaps be thought superfluous.

Upon the perusal of these passages, who could doubt that a serious wrong had been committed? If a Committee

composed of persons of the intelligence and fidelity which characterize the members of that which made this Report, and a Board consisting of the numerous eminent and faithful men who constitute that of the Overseers, by whom it was adopted, and who, it appears, consider themselves supervisory guardians of the College, with the duty upon them of exercising especial watch and ward over its finances, *were surprised, in the year* 1856, to learn of a very large and seemingly unaccountable and useless expenditure of its funds *made in the year* 1852, *and repeated annually for three succeeding years*, and this surprise was so great, and the cause of it so fraught with danger, or so reprehensible, as to render it necessary, in the opinion of the Committee, to recommend the adoption of very stringent precautions to prevent the possibility of any such hereafter, — who could doubt that there must have been some designed concealment on the part of the Corporation, or some covert proceedings in relation to the matter, — or, at the least, some great carelessness or negligence in the omission of notice to the Overseers, which might imply a disregard of duty scarcely less reprehensible than an intended violation of it. And the reader would at once be led to consider it as an imitation, by the present Board, of the alleged doings of their predecessors, who, in the forcible language of the Report (p. 9), "*kept close upon their books* most of their doings, and it sometimes happened important *votes or orders were unknown to the Overseers for years.*"

Nor could any reader of these passages presume to question that the highly respectable gentlemen who compose that Committee, appointed to represent one of the most public and dignified corporate bodies known in the Commonwealth, in inquiries upon topics of great importance, and the results of whose investigations were to be returned to their numerous constituents, and probably printed, had made some reasonable efforts to inform themselves of the causes and motives which led the Corporation to establish such an increase of the Treasurer's salary, before thus

recording and publishing the assertion, that they found it "*difficult to comprehend for what reason said order or vote was adopted*," and "*could not, without further information than they had been able to obtain, perceive any good reason for the expenditure*"; — thus implying the severest and most pregnant of strictures upon those employed in the administration of a high public trust, and who had once at least possessed their confidence and respect so far as to be confirmed in the office thus impliedly represented to have been perverted or abused. Nor could the emphatic remark, that the alleged omission to present to the Overseers this vote is *pregnant evidence of the propriety of its being insisted upon by the Overseers, that every one relating to salaries and allowances should be so presented*, — escape his observation, as a signal rebuke, thought to be due for this supposed violation of duty.

The necessary inference would of course be, that the Corporation, with opportunity given for explanation, or upon reasonable request for the desired information, had either confessed that they were unable or unwilling to state "for what reason said order or vote was adopted," or to give any information tending to show this additional expenditure justifiable; or else had negligently omitted to respond, and therefore had impliedly admitted themselves unable to render any such reason or explanation.

And thus the President and Fellows of Harvard College, upon the unequivocal and most obvious purport of this language, stand publicly arraigned and rebuked for designed concealment or unpardonable negligence in withholding information of their doings, — information which the Overseers were entitled to have, — and for a corrupt or faithless or reckless expenditure of the funds intrusted to their keeping; while, in the mean time, a recent movement in the Legislature, now pending, and pointing with no doubtful significance to this charge as its origin, or authority, tells of its natural effect upon the popular mind.

In dealing with a subject of such grave importance, and

so nearly a personal one to every member of this Board, your Committee desire to evince towards the Committee who framed the Report, and the reverend and honorable Board by which it was adopted, the most entire respect; but in discharging their duty of replying to these charges, and while considering that of concealment or negligent omission implied in the alleged *surprise with which the discovery was made of the fact of the increase of the Treasurer's salary*, your Committee must be allowed humbly to express their own, that the learned Committee in preparing a Report so elaborate, and purporting so much reference to documents, and that the members of the Honorable Board of Overseers in adopting it, should admit themselves to have been surprised by the discovery of a fact, which it would seem (if your Committee may be allowed the suggestion) to have been in the way of their ordinary duty to have known three years previously, of which they had full evidence then before them, and of which they have received official notice every year since.

The first grant was made, as the Committee state, in November, 1852; and accordingly it was duly charged, and somewhat conspicuously so, heading a column in the Treasurer's printed Report for 1853 (p. 10), in his Report for 1854 (p. 8), and finally in his Report for 1855 (p. 10), about two months before the Report under consideration was presented to the public.

Let it be observed, that in 1853 this was a prominent introduction of an entirely new charge of so large a sum in the Treasurer's account; for it does not appear as an increase of the preceding allowance, set down as had before been usual, but as a new and distinct item of $1,500, with the Treasurer's name in full as the recipient; and it was in like manner distinctly marked and set forth in each succeeding year. So that the Overseers had full information of this fact placed in print before their eyes when it occurred, and for three successive years, and information of precisely the same nature of that, with which they had been ap-

parently entirely satisfied, concerning all other salaries, old or new, for the thirty or more years preceding. For the Report finds, that, "from the beginning of the year 1811 to the present time, the Committee have not noticed more than three or four instances in which votes adopted by the Corporation respecting salaries have been presented by them to the Overseers for their consideration and approval"; while the annual reports of their committees, and the frequent submission to them of appointments to new offices, must have constituted continually occurring information that old salaries were from time to time changed, and new ones established.

So far, therefore, from there having been any concealment, or negligent omission to give notice to the Overseers, of this increase of the Treasurer's allowance, or any ground for the alleged surprise, or any justifiable cause of censure, it is respectfully claimed, that the Corporation, in this instance, had done all which, by the practice of the two Boards for the thirty or forty years preceding, it had been usual to do in like cases, — a practice which had received the time-honored sanction of the Overseers themselves, long before any of the present members of the Corporation were appointed to office, and throughout the whole period of their service.

The further imputations cast upon this Board by the Committee of the Overseers, in their statement that they found it "difficult to comprehend *for what reason said vote was adopted*," *and that they could not*, "*without further information than they have been able to obtain*, perceive any good reason" for this expenditure, have excited in the minds of your Committee still deeper and more painful surprise; — indeed, such declarations appear to them entirely unaccountable. It seems incredible that the learned Committee should have been willing to attempt the infliction of such public reproach upon the members of a body associated with them in the administration of a great institution, without taking the trouble of looking into the records of

their proceedings, or, at the least, that of asking a simple question of any one of them. And yet, if they had done either, it seems impossible that they could have made such charges or implications. Had they turned to the records of the Corporation, whose books have been and are always freely open to their inspection, or had they condescended to make inquiry of any member of that Board, they would have ascertained that this increase of the Treasurer's salary had been one of very careful consideration; that the subject had been placed in the hands of a large committee, who, after time for inquiry and deliberation, had made a report, fully setting forth the *reasons which induced them to recommend* an augmentation; that it was in pursuance of that report that the "said order or vote was adopted"; and that it was then placed, and has ever since continued to be, on their files, for the inspection of all persons interested to see it.

Whether those reasons would have been, or will now be, satisfactory to the gentlemen composing that Committee, is not now the question. They are certainly those for which the "said order or vote was adopted"; moreover, there can be no pretence of difficulty in ascertaining that they were so, or in comprehending them when discovered. That report your Committee annex, as Appendix No. VI., for the purpose of a more full exhibition of the motives and reasons actuating the Corporation in that measure, than could be conveniently made by any recapitulation of them.

And the Committee of the Overseers might further have found, had they made inquiry of any member of the Corporation, that the present Treasurer, soon after his appointment to office, had generously proposed to the Board to appropriate the amount to be received for his services towards the establishment of scholarships, or in aid of such other charities or foundations as they should approve.

Thus, then, it appears that the Corporation, so far from having no reasons to assign for their procedure in this mat-

ter, or being unwilling to disclose those reasons, or neglecting to disclose them when called upon, have acted upon reasons by them carefully considered, and made permanently known and accessible on their records and files to all persons having any right or interest to make inquiries concerning them; and that the amount thus paid to the present Treasurer has not been thus lost to the College, as the Report plainly implies.

With regard to the assertion by the Committee of their having *no doubt* that *many persons* of suitable qualifications may be found to discharge the duties of this office gratuitously, your Committee beg leave respectfully to say, that the belief in generalities of this description, however honestly entertained by those who have never tried the experiment, is not the most satisfactory evidence of their reasonableness. The duty imposed upon the members of the Corporation to make appointments, is one which they are required by the nature of their trust to fulfil according to their own discretion, and under a sense of personal responsibility from which they cannot be released by the opinions of others. It may be easy to find good accountants, and reliable men, suitable for the keeping of books and of making investments of property; but the College Treasurer, as a member of the Corporation, and entitled to an equal voice and vote with every other member upon all questions presented for its decision, has other, and often higher, duties to perform; and it may not be unreasonable to assume that of his qualifications for these the members of the Corporation may be judges as competent as any other persons, while having upon them the further sole responsibility of choice in the first instance.

How long it may be practicable to procure the services of competent and high-minded men, who with suitable talents and attainments may be able and disposed to devote their time and labor to the duties of this office, with its very numerous and daily increasing labors, perplexities, and anxious responsibilities, — with the disposition of the pres-

ent incumbent generously to devote the reasonable salary attached to it in aid of College charities, — your Committee of course cannot predict; though they cannot forbear the expression of their apprehension, that the same causes which now seem to him to compel his retirement may render the probability of such disinterested service hereafter less than it hitherto may have been.

But however that may be, your Committee see no cause to change the clear conviction, which all the members of this Board entertained at the time of establishing this salary, of the propriety and necessity of the measure, not only as one of simple justice, but also in order to secure a proper and effective sense of responsibility, both on the part of the Treasurer in the rendering of his services, and of the Board in passing upon the performance of them; thus placing him upon the platform of the strictest legal, as well as of high moral obligation, while not taking from him the opportunity, should his means and disposition allow, of enrolling himself at the same time among the honorable and distinguished benefactors of the College.

The distinction between the position of the Corporation at the time when a large majority of its members were recipients of salaries appointed by it, and its condition at the present time, when only two receive such compensation, and the corresponding urgent propriety of sending up for concurrence such appointments in the one case, and its cessation in the other, are considered too obvious to require comment. The subject, as your Committee are satisfied, is one resting wholly in the discretion of the Corporation, and upon which its members must act, as occasions occur, according to their own sense of duty to the institution under their immediate charge.

CONCLUSION.

If the views of your Committee, as above presented, be correct, it follows, that the only legitimate subjects of any such "joint rules as shall secure to the two Boards, as far as it may be practicable, their respective rights," "and provide for the prompt transmission of all such votes of the Corporation to the Overseers as they may have a right to confirm or reject, revise, or take action upon," are the election of officers and members of the Corporation, and the enactment of "orders and by-laws for the better ordering and carrying on of the work of the College," embracing, of course, the statutes and foundations of professorships, and of any new offices in the government or instruction of the institution which may from time to time be established; — these being the only ones over which, by the Charters, the Board of Overseers has any legal authority of revision or control. For it is obvious that joint rules imposing legal obligations on the two Boards respectively should be confined to matters in which each has legal power, and is under a legal duty to act in concert with the other.

But as the Corporation must ever be solicitous, not only to come up to the full measure of its legal obligations in reference to the Board of Overseers, but also to comply with all reasonable arrangements desired by it touching their mutual intercourse, and especially to secure to it prompt notice of all proceedings of which it should have cognizance, and in cases where its aid and advice may be sought, which the Charters give to this Board the right to ask for, and also in those where its sanction may be desired; — and further, as appointments of officers of instruction and government have been hitherto uniformly presented to that Board for confirmation or rejection, and sound policy and the best interests of the College seem to sanction a continuance of the practice, — your Committee recommend the adoption by this Board of the following Resolutions: —

1. *Resolved*, That the Committee of Conference appointed

by this Board is hereby instructed to confer with that of the Board of Overseers, upon the establishment of such joint rules and orders regulating the intercourse between the two Boards upon the subjects of elections of officers and members of the Corporation, and of such orders and by-laws for the better ordering and carrying on of the work of the College, as the Committees shall think advisable; and to report to this Board the result of its conference, for its approval or rejection.

2. *Resolved*, That this Board will present to the Board of Overseers all elections made by it to any offices of government or instruction in the College, as soon as conveniently may be after such appointments; and that every vote and resolution making such appointment shall be so laid before the Board of Overseers, accompanied by or including a vote importing that such appointment shall be laid before them, that they may concur therein if they see fit. And no such appointment shall be held valid after the Board of Overseers shall have decided not to concur therein.

3. Whereas it is provided by the Charter, that the President and Fellows of Harvard College be constituted a corporation and body politic, and they and their successors are enabled and empowered to purchase and acquire to themselves, or take and receive upon free gift and donation, any lands, tenements, or hereditaments, and any gifts and sums of money whatsoever, to the use and behoof of the said President and Fellows and scholars of said College; and whereas it may sometimes so happen that grants and donations may be made to the use of the College for the promotion and advancement of such specific objects and purposes expressed therein as may render it, in the opinion of this Board, doubtful whether such objects and purposes are within the general scope and purpose for which the College is established, or such donations may be offered upon such terms and conditions as render it thus doubtful whether the acceptance of them upon those terms and conditions would be for the benefit of the College; and whereas, by the express provisions of the Charter, the Cor-

poration is entitled to the benefit of the advice and counsel of the Overseers in great and difficult cases, and cases of non-agreement; — therefore *Resolved*, That, in all such cases, the President and Fellows, after expressing their own opinion by a proper vote or resolution, either accepting or declining to accept any such proffered donations, for the objects or purposes, or upon the terms and conditions, therein expressed, — and thereby also declaring that such vote or resolution, accepting or declining to accept such donations, shall not take effect or be deemed conclusive until the same shall have been laid before the Board of Overseers for their concurrence or advice, — will forthwith, as soon as conveniently may be, present the same to the Board of Overseers; — and that, if the Board of Overseers shall not concur in such opinion and resolution of this Board, the subject shall remain for the further action of the two Boards thereupon.

This last resolution vests in the Overseers power to prevent the acceptance of any donation encumbered with terms or conditions of doubtful expediency; but does not vest in them authority to compel the Corporation to receive gifts accompanied with provisions which its members may consider inconsistent with prerogatives, or incompatpatible with duties for the exercise and performance of which they alone are legally accountable.

As all the financial operations of the Board are substantially laid before the Overseers in the annual printed reports made by the Treasurer, and all the salaries paid are also distinctly set forth in it, your Committee are not aware of the necessity of any resolutions or rules for the more perfect securing of the rights of the Board of Overseers, or for the exhibition to them of any further information which might be useful in enabling them to discharge any duties incumbent upon them. If any views which may be suggested by the Committee of the Overseers should render any such resolutions or rules, in the opinion of your Committee, desirable, they will report the same for the consideration of this Board.

In bringing their labors to a close, your Committee have no wish to conceal their consciousness of liability to error, omission, and misapprehension, in an investigation extending over so wide a field, and embracing so many topics, and about which different opinions are known to exist.

All which they desire, therefore, to claim for themselves, is the confidence in their statements and conclusions to which they may be entitled by reason of careful investigation, a desire honestly to exhibit every fact known to them considered material to the discussion, and an intention to draw from them such inferences only as reason and candor shall approve. Meanwhile it is to them matter of satisfactory reflection, and confirmatory of the views they entertain, that their conclusions are not only, as they believe, in entire accordance with the Charters of the College, but also with the practice of both Boards, properly understood, for by far the greater portions of time which have elapsed since its foundation, and especially for nearly the last half-century, — conclusions, therefore, which may claim the practical sanction of the Overseers, and require no changes of the manner in which the affairs of the College have long been harmoniously and successfully conducted.

Nor can your Committee withhold the expression of their profound sorrow at the death of the eminent member of the Board of Overseers, and of their Committee of Conference, whose recent departure is so universally lamented throughout the Commonwealth; who so faithfully and ably discharged his duties wherever they lay; and in whose candor, learning, and love of truth your Committee had placed great reliance for the final and mutually satisfactory adjustment of the questions thus brought into discussion.

All which is respectfully submitted.

JAMES WALKER,
LEMUEL SHAW,
CHARLES G. LORING.

At a special meeting of the President and Fellows of Harvard College, in Boston, November 15, 1856 : —

The Committee appointed to confer with that appointed by the Overseers, under their resolve of January 31, 1856, and instructed to take into consideration, and report to this Board, the nature and extent of the rights claimed by the Overseers, as represented at a conference held by the Committee, and of the corresponding obligations of this Board, and such other matters embraced in the Report made by the Committee of the Overseers to that Board as shall be thought proper, — submitted their Report.

Whereupon it was

Voted, That the Report be accepted, and the Resolutions appended thereto adopted; also, that the Report and Resolutions be printed, under the direction of the Committee.

A true copy of record.

Attest,

GEORGE PUTNAM, *Sec'y.*

APPENDIX.

APPENDIX.

No. I.

An Act establishing the Overseers of Harvard College.

At a General Court held at Boston, in the year 1642.

Whereas, through the good hand of God upon us, there is a College founded in Cambridge, in the county of Middlesex, called Harvard College, for the encouragement whereof this Court has given the sum of four hundred pounds, and also the revenue of the ferry betwixt Charlestown and Boston, and that the well ordering and managing of the said College is of great concernment: —

It is therefore ordered by this Court, and the authority thereof, that the Governor and Deputy Governor for the time being, and all the magistrates of this jurisdiction, together with the teaching elders of the six next adjoining towns, viz. Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, and the President of the said College for the time being, shall, from time to time, have full power and authority to make and establish all such orders, statutes, and constitutions as they shall see necessary for the instituting, guiding, and furthering of the said College, and the several members thereof, from time to time, in piety, morality, and learning; as also to dispose, order, and manage, to the use and behoof of the said College and the members thereof, all gifts, legacies, bequeaths, revenues, lands, and donations, as either have been, are, or shall be conferred, bestowed, or anyways shall fall or come to the said College.

And whereas it may come to pass that many of the said magistrates and elders may be absent, or otherwise employed in other weighty affairs, when the said College may need their present help and counsel, — It is therefore ordered, that the greater number of magistrates and elders, which shall be present with the President, shall have the power of the whole. Provided, that if any constitution, order, or orders, by them made, shall be found hurtful unto the said College or the members thereof, or to the weal-public, then, upon appeal of the party or parties grieved unto the company of Overseers first mentioned, they shall repeal the said order or orders, if they shall see cause, at their next meeting, or stand accountable thereof to the next General Court.

No. II.

The Charter of the President and Fellows of Harvard College, under the Seal of the Colony of Massachusetts Bay, and bearing date May 30, A. D. 1650.*

Whereas, through the good hand of God, many well-devoted persons have been, and daily are, moved and stirred up to give and bestow sundry gifts, legacies, lands, and revenues, for the advancement of all good literature, arts, and sciences in Harvard College, in Cambridge, in the county of Middlesex, and to the maintenance of the President and Fellows, and for all accommodations of buildings, and all other necessary provisions that may conduce to the education of the English and Indian youth of this country in knowledge and godliness : —

Clause I. It is therefore ordered and enacted by this Court and the authority thereof, that for the furthering of so good a work, and for the purposes aforesaid, from henceforth that the said College in Cambridge, in Middlesex, in New England, shall be a Corporation, consisting of seven persons, to wit, a President, five Fellows, and

* The clauses in the Charter referred to in the preceding Report are indicated in the margin for facility of reference.

a Treasurer or Bursar; and that HENRY DUNSTER shall be the first President, SAMUEL MATHER, SAMUEL DANFORTH, Masters of Art, JONATHAN MITCHELL, COMFORT STARR, and SAMUEL EATON, Bachelors of Art, shall be the five Fellows, and THOMAS DANFORTH to be present Treasurer, all of them being inhabitants in the Bay, and shall be the first seven persons of which the said Corporation shall consist; and that the said seven persons, or the greater number of them, procuring the presence of the Overseers of the College, and by their counsel and consent, shall have power, and are hereby authorized, at any time or times, to elect a new President, Fellows, or Treasurer, so oft, and from time to time, as any of the said person or persons shall die or be removed; which said President and Fellows for the time being shall for ever hereafter, in name and fact, be one body politic and corporate in law, to all intents and purposes, and shall have perpetual succession, and shall be called by the name of President and Fellows of Harvard College, and shall from time to time be eligible as aforesaid; and by that name they and their successors shall and may purchase and acquire to themselves, or take and receive upon free gift and donation, any lands, tenements, or hereditaments, within the jurisdiction of the Massachusetts, not exceeding the value of five hundred pounds per annum, and any goods and sums of money whatsoever, to the use and behoof of the said President, Fellows, and scholars of the said College; and also may sue and plead, or be sued and impleaded, by the name aforesaid, in all courts and places of judicature within the jurisdiction aforesaid.

Clause II. And that the said President, with any three of the Fellows, shall have power, and are hereby authorized, when they shall think fit, to make and appoint a common seal for the use of the said Corporation.

Clause III. And the President and Fellows, or major part of them, from time to time, may meet and choose such officers and servants for the College, and make such allowance to them, and them also to remove, and, after death, or removal, to choose such others, and to make, from time to time, such orders and by-laws, for the better ordering and carrying on the work of the College, as they shall think fit; provided, the said orders be allowed by the Overseers.

Clause IV. And also, that the President and Fellows, or major part of them, with the Treasurer, shall have power to make conclusive bargains for lands and tenements, to be purchased by the said Corporation for valuable considerations.

Clause V. And for the better ordering of the government of the said College and Corporation, Be it enacted by the authority aforesaid, that the President, and three more of the Fellows, shall and may, from time to time, upon due warning or notice given by the President to the rest, hold a meeting for the debating and concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods (provided that all the said disposings be according to the will of the donors); and for direction in all emergent occasions; execution of all orders and by-laws; and for the procuring of a general meeting of all the Overseers and Society, in great and difficult cases; and in cases of non-agreement; in all which cases aforesaid, the conclusion shall be made by the major part, the said President having a casting voice, the Overseers consenting thereunto; and that all the aforesaid transactions shall tend to and for the use and behoof of the President, Fellows, scholars, and officers of the said College, and for all accommodations of buildings, books, and all other necessary provisions and furnitures as may be for the advancement and education of youth in all manner of good literature, arts, and sciences. And, further, be it ordered by this Court, and the authority thereof, that all the lands, tenements, and hereditaments, houses, or revenues, within this jurisdiction, to the aforesaid President or College appertaining, not exceeding the value of five hundred pounds per annum, shall from henceforth be freed from all civil impositions, taxes, and rates; all goods to the said Corporation, or to any scholars thereof appertaining, shall be exempted from all manner of toll, customs, and excise whatsoever.

Clause VI.

Clause VII. And that the said President, Fellows, and scholars, together with the servants, and other necessary officers to the said President, or College appertaining, not exceeding ten, viz. three to the President, and seven to the College belonging, shall be exempted from all personal civil offices, military exercises or services, watchings and wardings: and such of their estates, not exceeding one hundred pounds a man, shall be free from all country taxes or rates whatsoever, and no other.

In witness whereof, the Court hath caused the seal of the Colony to be hereunto affixed. Dated the one and thirtieth day of the third month, called May, anno 1650.

[L. S.] THOMAS DUDLEY, *Governor.*

No. III.

AN APPENDIX TO THE COLLEGE CHARTER, GRANTED BY AN ACT OF THE GENERAL COURT OF THE COLONY, PASSED A. D. 1657.

At a General Court held at Boston, the 14th of October, 1657.

IN answer to certain proposals presented to this Court by the Overseers of HARVARD COLLEGE, as an Appendix to the College Charter, it is ordered, The Corporation shall have power, from time to time, to make such orders and by-laws, for the better ordering and carrying on of the work of the College, as they shall see cause, without dependence upon the consent of the Overseers foregoing. Provided always, that the Corporation shall be responsible unto, and those orders and by-laws shall be alterable by, the Overseers, according to their discretion.

And when the Corporation shall hold a meeting for agreeing with College servants; for making of orders and by-laws; for debating and concluding of affairs concerning the profits and revenues of any lands or gifts, and the disposing thereof (provided that all the said disposals be according to the will of the donors); for managing of all emergent occasions, for the procuring of a general meeting of the Overseers and Society in great and difficult cases, and in cases of non-agreement; and for all other College affairs to them pertaining, — in all these cases the conclusion shall be valid, being made by the major part of the Corporation, the President having a casting vote. Provided always, that, in these things also, they be responsible to the Overseers as aforesaid.

And in case the Corporation shall see cause to call a meeting of the Overseers, or the Overseers shall think good to meet of themselves, it shall be sufficient unto the validity of College acts, that notice be given to the Overseers in the six towns mentioned in the printed law, anno 1642, when the rest of the Overseers, by reason of the remoteness of their habitations, cannot conveniently be acquainted therewith.

No. IV.

Report of Overseers' Committee, May 13, 1761, respecting the Power of the Corporation to make Allowances to the Governors of the College, without the Consent of the Overseers. The Committee appointed November 20, 1760.

The Committee appointed the 20th of November last, by the Overseers of Harvard College, to consider "whether it be in the power of the Corporation to make allowances to those who are employed in the government of the College, without the consent of the Overseers," have carefully examined the College Charter; and find by said Charter, (which was granted in the year 1650,) that the Corporation have no power to make allowances to those who are employed in the government of the College, without the consent of the Overseers; and are of opinion that, so far as they have made such allowances, they have acted irregular.

The Charter gives the Corporation power to hold meetings "for concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods, &c., in all which cases the conclusion shall be made by the major part, the Overseers consenting thereunto." From this clause it is plain that the consent of the Overseers is necessary to the disposing of the revenues of the College, in all cases wherein the Charter has not empowered the Corporation to dispose of said revenues independent of the Overseers. The Corporation "may choose officers and servants for the College, and make such allowances to them as they think fit"; but these allowances are to such officers (and those only) the choice of whom is in the Corporation *independent* of the Overseers. From this clause, then, it cannot be inferred that the Corporation have an independent right of making allowances to such as are to be chosen with the consent of the Overseers; nor, consequently, can it relate to such allowances as are made to their own members, to the choice and establishment of whom the consent of the Overseers is absolutely necessary. Further upon this head, the officers in said clause intended are neither the President nor Fellows, nor any concerned in the government of the College, *but such officers as are ranked*

after the scholars of the College; as may be collected from a subsequent clause of the Charter, wherein it is said, "that all the transactions aforesaid shall tend to the use and behoof of the President, Fellows, *scholars, and officers* of the College." The officers here intended, no doubt, are the Steward and Butler, and any other officers (if such there be) not concerned in the government of the College.

With regard to those who are concerned in the government of the College, the College revenues are to be disposed of with the consent of the Overseers. The introduction to said clause runs thus: "And for the better ordering of the government of said College and Corporation, be it enacted," &c. The disposing of the revenues in this clause mentioned is such a disposing as shall tend to the better ordering of the government of the College; that is, it is a disposing of said revenues to the support and encouragement of those concerned in the government of the College, for without such a disposition, the government of the College could not be well ordered, nor indeed subsist at all. With regard to this kind of disposition of said revenues, the consent of the Overseers is necessary. And this was the opinion of the General Court in 1722, as may be seen by the following Resolve: "That the President and Fellows of the said College, or the major part of them, are not warranted by the said Charter of the College [the Charter of 1650] to fix or establish any salary or allowance for their service, without the approbation and consent of the Overseers." This Resolve, being connected with others which the Governor did not fully approve, he gave only a conditional assent to; which manner of assent the House of Representatives remonstrated against. The Resolve, however, shows the sense of the General Court.

How long the Corporation have been in the practice of making grants and allowances to those employed in the government of the College, independent of the Overseers, we don't know; but we find in 1732, that the Overseers asserted their right in this matter, and ordered a copy of their vote to be delivered to the Corporation.

This practice of the Corporation is not only contrary to the College Charter, but contrary to the usage of all well-regulated societies, who never permit their officers to settle the quantum of their own salaries, and then pay themselves out of the common treasury. And the impropriety of such a practice the Corporation themselves

have been very sensible of, as appears by a memorial of theirs to the Governor and Council, signed by President Leverett, wherein they declare (though they think it belongs wholly to them to make allowances to those who do service in the College) that it is unreasonable the "major part of the Corporation should be of those who receive salaries or allowances from the College. In such cases, they think, none ought to carve for themselves." They also "think it contrary to the light of nature that any should have an overruling voice in making those laws by which themselves must be governed in their office work, and for which they receive salaries"; and consequently they must have thought (in order to be consistent) that it was contrary to the light of nature that any should have any overruling voice in settling the quantum of salaries which themselves were to have the sole benefit of.

By what is said above, we do not mean to detract from the merit of the Corporation, or to insinuate that they have made unreasonable grants or allowances to any of their own body; on the contrary, we esteem them gentlemen of honor and probity, and think the allowances that any of them have had much less than the nature of their office and their personal worth require.

Upon the whole, the Committee are clearly of opinion that the Corporation have no power to make allowances to those who are employed in the government of the College, without the consent of the Overseers; and they purpose that the following votes should be passed by the Overseers, viz.: —

1. That, according to the Charter aforesaid, the Corporation have no right to made allowances to persons employed in the government of the College, without the consent of the Overseers.

2. That the College Treasurer be directed for the future to pay no grants or allowances made to persons employed as aforesaid, till the consent of the Overseers be first obtained, and signified to him under the hand of their clerk.

Which is humbly submitted.

ANDREW OLIVER, *per order.*

13 *May*, 1761.

Copy. Attest,

ANDREW ELIOT, *C. C.*

No. V.

CORPORATION'S REPLY TO THE CLAIM OF THE OVERSEERS RESPECTING THE MAKING ALLOWANCES TO THE GOVERNORS OF THE COLLEGE, IN ANSWER TO THE OVERSEERS' COMMITTEE. MAY 13, 1761.

THE Honorable and Reverend Overseers of Harvard College having ordered the Corporation of said College to be served with a copy of a Report of a Committee appointed November 20, 1760, to consider whether it be in the power of the Corporation to make allowances to those who are employed in the government or instruction of the College, without the consent of the Overseers: we, the President and Fellows of said College, have carefully perused the said Report; and apprehending it to be grounded entirely upon a mistake of the meaning of one clause in our Charter, we think ourselves in duty bound briefly to represent some of the reasons of such our apprehension.

To us, then, it seems evident, from the situation in which our Charter hath put us, that it belongs solely to the President and Fellows of Harvard College to make such disposals of the goods and revenues of the College as they judge to be according to the will of the donors.

For they are liable to be sued in all courts and places of judicature within the jurisdiction of the Province of the Massachusetts Bay; and to some of their benefactors they have given bonds, by virtue of which their benefactors' heirs in all future times are empowered to sue for and recover the donations of their ancestors, if not disposed of according to the donor's will. Now, how great an hardship would it be upon any body corporate to be liable to be sued in courts of judicature, for not disposing of goods or sums of money according to the donor's will, supposing another body of men, who are not liable to be sued, have power to put a negative upon any of their disposings.

'T is true the Honorable and Reverend Committee of the Overseers, in their Report, seem to carry this negative power no further than to *allowances made to persons employed in the government of the College.* But if the Committee have not mistaken the meaning of the paragraph in the Charter upon which they ground their argu-

ment, this negative power must be extended much farther, even to all disposings of the goods and revenues of the College whatsoever, and to several other things, which we apprehend big with absurdity, if not contradiction. Whereas, if we understand the passage right, it contains nothing inconsistent with the practice we have been always in, nor are there any difficulties involved in it.

To set this matter in a proper light, it will be needful to rehearse the whole paragraph, which is as follows: —

"And for the better ordering the government of the said College and Corporation, be it enacted by the authority aforesaid, That the President and three more of the Fellows shall and may, from time to time, upon due warning, or notice given by the President to the rest, hold a meeting for the debating and concluding of affairs concerning the profit and revenues of any lands, and disposing of their goods. Provided, that all the said disposings be according to the will of the donors. And for direction in all emergent occasions, execution of all orders and by-laws, and for the procuring of a general meeting of all the Overseers and Society in great and difficult cases, and in cases of non-agreement. *In all which cases aforesaid*, the conclusion shall be made by the major part, the said President having a casting voice, the Overseers consenting thereunto."

This paragraph seems to have some obscurity in it; but one inquiry well answered will easily fix its meaning. The only question is, how far those words, "*in all which cases aforesaid*," may be supposed to refer back? If they have a retrospect so far as the honorable Committee think they have, then it is plain, —

1. That the Corporation *can conclude no affair touching the profit or revenue of any lands.* They cannot determine for what rent a piece of land may be leased, nor can they give a lease of it, without the consent of the Overseers.

2. Without such consent, they can make no disposal of their goods, how agreeable soever such disposings may be to the will of the donor, — not so much as an allowance of forty shillings to a poor scholar at Salem or Dorchester. And if (as it is the case in many instances) the person or persons to whom such disposings are to be made, are plainly described and pointed out in the will of the donor, yet the Overseers will have it in their power to put a negative upon such disposal, and thereby render the Corporation obnoxious to a prosecution in law from the donor or his heirs, for not doing what the Overseers may have put it out of their power to do.

3. *No direction can be given upon any emergent occasions*, till the Overseers have consented thereunto, though the nature of emergencies is often such as requires that some proper direction should be given immediately.

4. *No order or by-law can be executed*, without the Overseers' consent; which is to suppose that the whole legislature of the College must come together and consent in the execution of every law. Finally, —

5. *No general meeting of the Overseers can be procured*, till they have come together (by what means we cannot tell), and consented to have such a meeting.

All these things, we apprehend, lie much plainer in the paragraph which hath been read, than *that the Corporation have no right to make allowances to persons employed in the government of the College, without the consent of the Overseers;* concerning which we cannot find one word here. Nor do the honorable Committee attempt to deduce it from anything here, otherwise than by a pretty remote consequence. We say this upon supposition of what we can by no means persuade ourselves to believe, viz. that the Committee were not mistaken when they understood the words, *in all which cases*, to refer to the two first things contained in the paragraph before us, upon which they ground their argument. For if the two first things mentioned in this paragraph of our Charter are among *the cases* referred to, be sure all that follow must be so too. And upon that supposition, nothing can be plainer, than that the consent of the Overseers, in all the instances which have been mentioned, must be necessary. But to suppose that the Corporation cannot settle the rent of a piece of land, or give a lease of it; that they cannot dispose of forty shillings to a poor scholar pointed out by the donor; that they can give no direction upon any emergent occasion; that no law or order can be executed, nor any general meeting of the Overseers procured; — to suppose that none of these things can be done without the consent of the Overseers, would so perplex and embarrass all the affairs of the College, and render such frequent meetings of the Overseers necessary, that we cannot think the passage under consideration was ever so intended, or ought to be so understood, especially since there is another natural and easy construction of it which removes all these difficulties.

We suppose, then, that the words, *in all which cases*, refer no

farther back than to the *cases* just before mentioned, which may sometimes happen to be numerous enough, viz. *great and difficult cases, and in case of non-agreement. In all such cases the Corporation is to procure a general meeting of the Overseers' Society, and the conclusion shall be made by the major part, the President having a casting voice, the Overseers consenting thereunto.* If this easy construction be the true one, as we are persuaded it is, all seeming obscurity and difficulties are removed, and there is no foundation in the paragraph before us, nor, we think, anywhere else in the Charter, for the Report of the honorable Committee. But the practice of the Corporation hath been regular, and agreeable to the Constitution, and not contrary to the usage of all well-regulated societies. For, if we are not greatly mistaken, the General Assembly of this Province *settle the quantum* of their own reward for their public service, and are paid out of the common treasury."

No. VI.

At a stated meeting of the President and Fellows of Harvard College, in Boston, November 27, 1852: —

Chief Justice Shaw made the following Report on the subject of the Treasurer's Salary, which was accepted.

The Committee to whom was referred the Subject of attaching a Compensation to the Office of the Treasurer, respectfully report: —

That from the records it appears that it was usual to make such compensation, in the form of an annual salary, or by especial grants of money, up to the year 1827, when the office was conferred upon an eminently wealthy merchant, who rendered the service gratuitously for the space of three years; that it was then given to a successor, also of great wealth, who performed its duties in like manner for the period of twelve years; and was then entered upon by the present Treasurer, who has now discharged this onerous trust, without other recompense than the consciousness of service thus gener-

ously rendered, for the past ten years. That the services, thus gratuitously given, have been most faithfully and honorably performed, involving great expenditures of time and knowledge, and under heavy moral responsibilities, which entitle all these gentlemen to the lasting gratitude of the College.

The properties of the College, however, have been of late years much increased in number and value, and are prospectively soon to be augmented; and its affairs, and especially those pertaining to the Treasurership, owing to the multiplicity of the schools and departments, and increase of officers and students, have become multifarious and complicated, and the suitable investment of its personal estates involves constantly increasing demands upon the time, financial skill, and responsibilities of the Treasurer. While, at the same time, the general superintendence of the real estates, naturally falling within the scope of his duties and operations, and the sales and management thereof devolving upon him, constitute further and very frequent and urgent claims upon his care and attention.

In view of these considerations, the Committee are of opinion that it is altogether unreasonable to expect that the services of an office so laborious, and involving the exercise of so much skill, and under such great responsibilities, should be rendered gratuitously.

And they are further of opinion, that a just sense of responsibility on the part of any one who may occupy that station, and a suitable readiness on the part of the Corporation to exact a careful and strict performance of its duties, and exact remuneration for loss arising from any omission of them, would be more fully secured by attaching to their discharge a reasonable reward, than by the receipt of it as a favor rendered.

The Committee, for these reasons, are of opinion that a permanent salary should be attached to this office; and, upon consideration of the amount of personal property in the Treasurer's keeping, and of the annual income and its expenditure, and the compensation usually allowed to trustees, and by courts of law and probate, for like services, — and the incidental services rendered by him in the affairs of the College, — are satisfied that one of fifteen hundred dollars annually, payable in quarterly instalments, with such further sum annually for office rent, clerk hire, and incidental ex-

penses as may be found necessary, would be a suitable allowance. And they recommend that the same be henceforth allowed and paid, commencing the first payment at the expiration of the first quarter of the present academical year.

All of which is respectfully submitted.

JARED SPARKS,
LEMUEL SHAW,
CHARLES G. LORING.

No. VII.*

At a Meeting of the Board of Overseers of Harvard College, held in the Senate Chamber, in Boston, on the 31st day of January, 1856, his Excellency the Governor in the Chair, the Hon. George Morey presented the following

REPORT.

The Committee of the Overseers of Harvard College, appointed on the 12th of April, 1855, to consider and report on the Relative Powers, Duties, and Responsibilities of the President and Fellows, and of the Overseers of Harvard College, more especially in relation to Appointments, Tenure of Office, Salaries, and Finances, have considered the matters referred to them, and respectfully submit the following Report.

When the resolution, under which the Committee was appointed, was adopted, the Board could hardly have been aware how exten-

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* The Report of the Committee of the Board of Overseers, which has given rise to this discussion, is continually referred to, and a large proportion of it cited, in this Report. To enable the reader to judge of the fairness of these references and citations, the whole of that Report is, with the consent of the Committee of the Overseers, herewith annexed. The paging of the original edition is given in brackets immediately before the first word of the page.

sive was the field of inquiry which the Committee were required to examine, or how imperfectly the same had previously been explored. It is somewhat remarkable, considering the various and important relations which exist between the Corporation and the Overseers, that from the beginning down to the present time, embracing a period of more than two centuries, not a single question touching the relative [4] powers, rights, or duties of these two Boards has, so far as the Committee can learn, been brought to a legal decision, or been solemnly argued, or even presented by both parties in proper form for argument and adjudication.

The Committee, therefore, for this and other reasons, which will appear in the course of this Report, are brought to an examination and consideration of the several Acts, by which these two Boards were established, and of the other Acts supplementary thereto, with less aid in the construction thereof than might have been expected.

With these preliminary observations, the Committee will proceed to examine and consider the legislative Acts, by which the powers, rights, and duties of the two Boards were originally conferred and prescribed.

In the year 1642, the first Act was passed, creating a Government over this Seminary at Cambridge, which was entitled, "The Act establishing the Overseers of Harvard College." This Board consisted of the Governor and Deputy Governor, all the Magistrates of the Colony of Massachusetts, and the Teaching Elders of the following towns, viz.: Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, together with the President of the College.

It could hardly have been expected, that a system so cumbrous would long continue without some important change; and we find that the Colonial Legislature, in the year 1650, did proceed to pass an Act, commonly denominated the Charter, by which a Corporation was created, consisting of a [5] President, five Fellows, and a Treasurer, upon whom and their successors all such powers were conferred as it was supposed the safety of the funds and the successful management thereof, — the prosperity and good of the College, would require; and the title to all lands and other property of the College, then existing, or which might be afterwards acquired, was vested in the said Corporation, which, being a small, and to a cer-

tain extent an independent body, would be able safely and satisfactorily to manage its pecuniary affairs. This was deemed a matter of great importance; for, prior to this time, although it was supposed such lands and property were held in trust by the Colony, yet it was somewhat doubtful where the title to the same actually rested; and if in the Colony, the depositary or trustee could not but be regarded as less suitable and satisfactory than the one established by said Charter.

By this Act said Corporation is empowered to purchase, or otherwise acquire, real estate or personal property, and hold the same for the use and behoof of the President, Fellows, scholars, and officers of said College. It is also enacted in said Charter, that the said Corporation, or the major part of them, "may meet and choose such officers and servants for the College, and make such allowance to them, and them also to remove, and, after death or removal, to choose such others, and to make, from time to time, such orders and by-laws for the better ordering and carrying on the work of the College, as they shall think fit; *provided, the said orders be allowed by the Overseers.*"

And it is further provided by said Act, that the [6] President, and three more of the Fellows, may hold a meeting for the debating and concluding of affairs concerning the profits and revenues of any lands, and disposing of their goods, &c.; in all which cases aforesaid, the conclusion shall be made by the major part, the said President having a casting vote, *the Overseers consenting thereunto.*

By this Act some powers are granted to the President and Fellows to be exercised by them alone, and many other powers are conferred upon them and the Overseers; that is, the President and Fellows, in all such cases taking the initiative, may pass an ordinance or by-law, make an appointment, vote salaries, &c., and send the record of their doings to the Overseers for their approval, which, being assented to and confirmed, become complete and valid acts.

It was soon found that great delay and inconvenience were suffered on account of the difficulty of procuring meetings of such a body as the Board of Overseers, the members thereof being numerous and scattered over the whole Colony; and the consequence was, that much time might elapse after the adoption of any measure

by the Corporation, before it could go into effect, for want of confirmation by the Overseers. These and other evils gave rise to an Act, called the Appendix to the College Charter. This Supplementary Act of the Colonial Legislature was passed on the 14th of October, 1657, and its provisions are as follows, viz.: —

"The Corporation shall have power, from time to time, to make such orders and by-laws, for the [7] better ordering and carrying on the work of the College, as they shall see cause, without dependence upon the consent of the Overseers foregoing. PROVIDED ALWAYS, *that the Corporation shall be responsible unto, and those orders and by-laws shall be alterable by, the Overseers, according to their discretion.*

"And when the Corporation shall hold a meeting for agreeing with College servants, for making of orders and by-laws, for debating and concluding of affairs concerning the profits and revenues of any lands or gifts, and the disposing thereof (provided that all the said disposals be according to the will of the donors), for managing of all emergent occasions, for the procuring of a general meeting of the Overseers and Society in great and difficult cases, and in cases of non-agreement, and for all other College affairs to them pertaining; — in all these cases the conclusion shall be valid, being made by the major part of the Corporation, the President having a casting vote. PROVIDED ALWAYS, *that, in these things* ALSO, *they be responsible* to the *Overseers* AS AFORESAID.

"And in case the Corporation shall see cause to call a meeting of the Overseers, or the Overseers shall think good to meet of themselves, it shall be sufficient unto the validity of College acts, that notice be given to the Overseers in the six towns mentioned in the printed law, anno 1642, when the rest of the Overseers, by reason of the remoteness of their habitations, cannot conveniently be acquainted therewith."

The Charter of 1650 was granted on the petition [8] of Henry Dunster, who was thereby made President of the Corporation; but the Act of 1657 appears to have been passed on "certain proposals of the Overseers." The latter Board probably wished to be relieved from the necessity of frequent meetings, and to be able to call such meetings as they desired to hold, with more facility and convenience; and the Corporation was made a more efficient body by virtue of the provisions in this Appendix.

Under this Act many of the votes of the President and Fellows go into immediate effect, without dependence upon the consent of the Overseers, respecting which votes the latter Board previously possessed what may be called, for the purpose of distinction, the right of *confirmation;* and until such confirmation took place, the said acts of the Corporation did not become valid. Still it is provided by said Appendix, that the Corporation shall be responsible unto, and such votes or doings are made alterable by, the Overseers, according to their discretion. This may be denominated the right of *revision*, which, though less direct than the right of *confirmation*, yet, being extended to various acts and doings of the Corporation, seemed not only to furnish a sufficient security for the correction of errors, but to give to this Board all necessary control, and even a larger one than existed before.

The Corporation, however, seemed for a time to be gainers by this additional legislation, inasmuch as, while more of their votes went into operation at once, no express provision was made, requiring them to send such votes to the other Board. In [9] consequence thereof, the Corporation kept close upon their books most of their doings, and it sometimes happened that important votes or orders were unknown to the Overseers for years.

At length the Overseers, whenever they desired to have possession of a particular vote of the Corporation, proceeded to send a formal order or request to that body for the same. The Corporation of course duly submitted to the call, and furnished the vote required. A more suitable remedy might have been provided by the adoption of special joint rules by the two Boards, regulating the transmission of the votes or orders of the Corporation to the Overseers.

The Committee will now proceed to consider the four particular matters specified in the resolution or vote of this Board, adopted April 12, 1855; and this they will do in such order as they find most convenient. The first subject, to which they will call the attention of the Board, is that of the College Finances.

The Funds of the College are under the immediate charge of the Treasurer, who is subject to the orders and special directions of the Corporation; and a detailed statement of the condition of said funds, and of all receipts and expenditures, is made annually by the Treasurer to the Government of the University, which is examined by a

Committee of the Corporation and Overseers, whose certificate or report is presented to the Overseers at their annual meeting. It has not been the practice of the Corporation to make any separate communication to the Overseers of their doings in relation to the [10] finances. Still, if the Corporation should at any time have in contemplation some unusual financial operation, such as disposing of the real estate, in whole or in part, belonging to the College, or erecting a new College hall or chapel, or adopting some important change respecting the College funds, it would seem fit and proper that they should, before any action is taken by them, make known their intentions to this Board, so that the Overseers might express their approval thereof, or interpose their objections, if they had any, to the plans of the Corporation. In this way the provisions of the constitution of the College would not fail to be complied with, and the Overseers would be sure to have an opportunity to exercise all the rights and powers which may belong to them.

In this connection the Committee deem it proper to add some remarks respecting Donations made to the College.

If a simple bequest, or gift, without any qualification or condition, be made to the College, of a sum of money, the Overseers may well have a right to expect that the Corporation will give them official notice of the same; although, under ordinary circumstances, it might not be deemed a matter of any great importance. But when the donation is upon a particular condition, or is accompanied by a special trust, the Committee are persuaded that the vote of acceptance by the Corporation is not sufficient and complete until such vote is concurred in by this Board. Otherwise the Overseers might be obliged, or compelled by an order of court, to aid in the execution of a trust, which they have not [11] sanctioned, nor ever would have consented to, if the same had been laid before them for their approval.

The Committee, therefore, are of opinion, that it is the duty of the Corporation to submit to this Board the question of the acceptance of every donation accompanied by a special trust, or imposing some particular obligation upon the government of the College. It appears by the records of this Board, that the proposal of Mr. Hollis to endow a Professorship of Divinity was by the Corporation laid before the Overseers, who expressed much gratification on the occasion, and appointed a committee to prepare an appropriate letter of

thanks to this distinguished benefactor of the College; and at divers times, questions respecting donations have been presented to the Overseers, and acted upon by them, and votes of thanks to the donors have often been passed.

For the purpose of further showing what has been the practice in this respect, the Committee think proper to cite the following cases, viz.: In the year 1791, the President laid before the Corporation a letter from James Bowdoin, Esq., stating that his father, the Hon. James Bowdoin, deceased, had by his last will bequeathed to the University a legacy of £ 400, the interest of which was to be applied in the way of premiums for the advancement of useful and polite literature among the residents, as well graduates as undergraduates, of the University, and that the executors were ready to pay the same; whereupon it was voted to accept the aforesaid legacy upon the conditions pointed out by the testator, and that Ebenezer Storer, Esq., [12] the Treasurer of the University, receive the same. This vote of the Corporation being presented to the Overseers, it was voted to concur with the Corporation in accepting this legacy, and appointing the Treasurer to receive it. A committee of the Overseers was then appointed to consider what was proper to be entered on their records relative to Mr. Bowdoin's legacy; which committee, at a meeting of the Overseers, held May 3, 1791, made a report, and recommended the adoption of the following vote, viz.: "*Voted*, That this Board have a due sense of Hon. Mr. Bowdoin's attachment to the interests of virtue and science in general, from a series of important services in the course of his life, and to the prosperity of the University in particular, from his uniform exertions to promote its welfare while living, and from his liberal donation to it which he made in his last will and testament." Which report and vote were adopted by the Board.

In the year 1814, the Corporation passed the following vote, viz.: *Voted*, That the documents relating to the donation of Samuel Parkman, Esq. of a township of land for the purpose of promoting the interests of religion and science, and of religious and scientific education in the University, with the vote of the President and Fellows on the subject, be laid before the Honorable and Reverend, the Overseers, and they be requested, if they see fit, to concur in said vote. This vote was laid before the Overseers and concurred in.

In the year 1829, the following vote was adopted by the Corpo-

ration, Judge Story being then a member, viz.: *Voted*, That this Board accept the donation [13] of the Hon. Nathan Dane, for founding a Professorship of Law, on the terms and conditions set forth in his communication to the Corporation, dated June 2, 1829; and that the above proceedings be laid before the Overseers, that they may approve the same, if they see fit. This vote, being laid before the Overseers, was concurred in.

In the course of the last year some important questions came before this Board respecting a liberal donation made to the College by Miss Caroline Plummer, of Salem, who, by a codicil to her last will and testament, made provision for establishing a new Professorship in the University. No vote of the President and Fellows, accepting said donation, was laid before the Overseers for their concurrence, the subject being first brought to their notice by the presentation to them by the Corporation of certain rules and statutes of the proposed professorship, and of the name of a candidate to fill the same. The whole subject was then referred to a very able committee, consisting of five distinguished gentlemen of this Board, of which committee Hon. Robert C. Winthrop was Chairman, and a munificent benefactor of the College, the late lamented Mr. Lawrence, was a member.

After much consideration, the committee made an elaborate report, recommending among other things that the Overseers should concur with the Corporation in the acceptance of said bequest, and in the establishment of a new Professorship, agreeably to the terms thereof. This report was adopted with great unanimity. The language and action of said committee may be regarded as a distinct [14] expression of opinion by them, that every donation accompanied by a trust should be laid before the Overseers for their consideration, and be acted upon by them.

The Committee will now proceed to say a few words on the subject of Appointments.

This seems to have been regarded at all times as a matter in relation to which the action of the Corporation did not take effect until the same was confirmed by the Overseers. The Corporation have therefore uniformly sent their votes or orders, by which appointments have been made, to this Board for approval.

It is often found convenient, and even necessary, that tutors and some other officers, chosen by the Corporation to fill vacancies,

should enter on the discharge of official duties previous to the action of the Overseers on such election; and if an instructor or officer so elected should fail to be confirmed, it seems reasonable that he should receive the salary attached to the office up to the time of such adverse decision of this Board.

It has been a frequent practice, when a new Professorship or other office is established by the Corporation, for them to send a record of their action on the subject to this Board, and at the same time present a vote, appointing on their part some person to fill the office. This is deemed by the Committee an irregularity, and may be a source of much embarrassment and difficulty. The Committee, therefore, trust the Corporation will not hereafter proceed to an election to fill an office, till its establishment has received the approval of this Board.

[15] The Committee will now briefly notice the subject of the tenure by which offices are held in the University. It may be considered, as a general rule, that the instructors or officers in the College hold their offices during the pleasure of both Boards, and may be removed by them. If, by a statute or vote of both Boards, a certain term or limited period is prescribed for an incumbent to hold any office, it is an irregularity for him to be permitted to remain in office after such term has expired. It is also clearly an irregularity for an appointee of the Corporation to continue as an instructor or officer after his nomination has been rejected by the Overseers.

The Committee have now reached the subject of Salaries, which is the only remaining topic specified in the resolution by which they were appointed.

It is provided in the Charter, in substance, as appears in the passage herein above cited, that the Corporation may meet and make such allowances to the College officers or servants as they shall think fit; *provided*, their orders or doings on the subject be allowed by the Overseers. This provision is contained in the very section or part of the Act in which the matter of appointments is regulated, and that too by the same phraseology as is used touching salaries; and it has never been questioned by the Corporation that all such appointments or elections require the confirmation of the Overseers. But the Corporation has, on some occasions, particularly during a considerable period immediately preceding the year 1761, pursued a course which indicated that in their opinion they

could, by virtue of the said Appendix to the Charter, prescribe salaries for the [16] College servants by votes or orders, which went into operation without the *confirmation* of the same by the Overseers. If the regulation of this matter has been changed by said Appendix, then to this extent a diversity has been created between the cases of *appointments* and *salaries;* — that is, in the case of the election of instructors and officers, the Corporation are obliged to send their votes to the Overseers for their confirmation or approval; and in that of salaries, there is no such necessity imposed by said Supplementary Act. The only course, therefore, for the Overseers to pursue, if such votes or orders have not been laid before them, and if they desire to take any action thereon, is to get possession of them by a call on the Corporation therefor, and then to revise such doings by approving or rejecting the same.

The Committee think proper in this place to say, what may seem to be a repetition, that the main, indeed almost the only object of said Appendix, was to enable the Corporation to adopt votes or orders, which would become valid without the confirmation thereof by the Overseers. A question has been raised whether said legislative act includes votes or orders relating to salaries. But it may be regarded as a matter free from all doubt, that if no clause of said Act applies to salaries, then all votes or orders on that subject require the confirmation of the Overseers, as it is provided in the Charter; but if any provision of said Supplementary Act does embrace votes or orders respecting salaries, (which is understood to be the opinion of some members of the legal profession,) then as to all such votes [17] or orders the Overseers clearly have the right of *revision.*

But it may be asked whether such right has not been lost by a continued practice in the course of one or two centuries, during which the Overseers may have abstained from all action in the matter. To this question the Committee do not hesitate to give a decided answer in the negative. Surely the omission of the Corporation, for ever so long a period, to communicate any order or vote upon salaries to the Overseers, or of the latter Board to call on the Corporation for the same, can never be considered as an abandonment of their right of control or revision. The only legitimate presumption to be derived from such omission is, that the doings of the Corporation in this respect, if known to the Overseers, were right, or rather that the Overseers were satisfied therewith.

Notwithstanding the confidence of the Committee in the doctrine above stated, yet as they are desirous of avoiding every possibility of mistake in such a case, and as some persons may have doubts, which it is desirable should be removed, the Committee have examined the records of the Overseers since the year 1707, at which time separate and proper records began to be kept of the doings of this Board. The Committee have no means of knowing what the practice was from 1657, the time of the enactment of the Appendix, to the year 1707; and nothing appears on the subject in the records of the Overseers till about the year 1722. During this long period, from 1657 to 1722, the number of instructors [18] or officers was small. The salaries also were small, and the means of payment precarious. Under these circumstances the probability would be that the Corporation would hardly be able to commit any serious mistakes as to salaries. The chief solicitude at that time related to the procuring of means to pay the small salaries granted, and the Overseers would not be likely to trouble themselves much about the votes of the Corporation as to the amounts.

From the early part of the year 1722, to November 20, 1760, the right of the Overseers to revise the votes of the Corporation, as to salaries, was at divers times agitated; and in a few instances the Corporation presented to the Overseers their votes, by which allowances were made to instructors, for their approval, and at several times a call was made on the Corporation by the Overseers to send to the latter Board their votes in relation to salaries and other subjects, which call was always promptly complied with on the part of the Corporation, and their votes were duly presented. This important point being fully settled, and the difficulty as to obtaining possession of the votes of the Corporation being removed, the Overseers, at their meeting on the 20th of November, 1760, took up the subject of salaries in earnest, and adopted the following vote, viz.: *Voted*, That there be a committee to consider whether it is in the power of the Corporation to make allowance to those who are employed in the government or instruction of the College, without the consent of the Overseers; and Secretary Oliver, [19] Mr. Bowdoin, Brig. Gen. Brattle, Mr. Pemberton, and Mr. Eliot were constituted the committee.

On the 11th of June, 1761, this committee made a report, which was read, and the 9th of July then next was specially assigned for

its consideration; and it was voted that the Corporation be served with a copy thereof.

On the 26th of the same month of June, the Corporation met and passed the following vote, viz.: *Voted*, That whatsoever salaries or grants shall be hereafter made to any of those who are in the Government of the College, shall be laid before the Overseers for their consent, and that this vote be presented to them for their approbation. By this action of the Corporation, they clearly gave up the great question in controversy, and in fact seem to have admitted it to be essential to the validity of their votes or orders respecting salaries and allowances, that the same should receive the consent of the Overseers. On the 9th of the following July, the time assigned for the consideration of said report, this vote of the Corporation was laid before the Overseers, which was read and consented to, "it appearing," as the record states, "to this Board to be agreeable to the College Charter."

On the 7th of September, 1761, the Corporation passed the following votes, which were transmitted to the Overseers, and laid before them at their meeting on the 6th of the succeeding October, viz.: —

1st. That the salaries of the Professors, Tutors, and Hebrew Instructors be as follows: —

[20] Salary of the Divinity Professor,		£36	18 8
" " Mathematical Professor,		78	11 2¾
" " First Tutor,		61	6 8
" " Second do.		60	0 0
" " Third do.		59	6 3
" " Fourth do.		58	13 4
" " Treasurer,		40	0 0

Vote 2d. That a grant of eight pounds be made to the Treasurer this year, in addition to what is his stated salary.

Vote 3d. That one shilling and four-pence be allowed by each student of the two lower classes to the Hebrew Instructor, to be charged in their quarter bills.

Vote 4th. That the salary of the Clerk of the Overseers be six pounds per annum.

From this time down to about the year 1811, that is, for a period of half a century, all the numerous votes of the Corporation, establishing the salaries annually, or making any special grants to instructors or officers, were uniformly presented to the Overseers for

their approval, and, what deserves to be particularly mentioned, were in every instance consented to and allowed by the latter Board. Such, then, was the universal rule during a part of the administration of President Holyoke, the whole of the time in which Presidents Locke, Langdon, Willard, and Webber were in office, and the first year of the Presidency of Dr. Kirkland.

On the 26th of November, 1810, the following votes were passed by the Corporation, prescribing the salaries of all the instructors and officers of the College, and making divers special grants, which [21] votes were laid before the Overseers for their approval, December 6th, 1810, viz.: —

"*Voted*, That there be granted to the Rev. Dr. Lathrop, for his services as Chairman of the Board, whilst the office of President was vacant, the sum of fifty dollars.

"*Voted*, That there be granted to Professor Ware, for his services in assorting and filing the papers belonging to the College, and which were in the custody of the late President at his decease, the sum of twenty-five dollars.

"*Voted*, That there be granted to Mr. Hedge sixty-five dollars for his services in performing the chapel duties during the late vacancy of the office of President.

"*Voted*, That there be allowed to the administratrix of the estate of the late President Webber the salary for the quarter in which he died, deducting two hundred and seventy-six dollars, being the expenses incurred by the Board during that quarter for services appertaining to the office of President.

"*Voted*, That there be granted to Professor Ware, for his services and expenses in discharging duties appertaining to the office of President during the late vacancy of that office, three hundred and fifty dollars, the fees he received for degrees being considered a part of that sum.

"*Voted*, That the salaries last granted to the present Officers of the College, — that is to say:

[22] To the President,	$2,250
The Secretary of the Overseers,	60
The Treasurer,	720
Hollis Professor of Divinity,	1,500
Hollis Professor of Mathematics, &c.	1,500
Hancock Professor of Hebrew and other Oriental Languages,	1,500
Boylston Professor of Rhetoric and Oratory,	1,500

College Professor of Logic, Ethics, and Metaphysics, . . . $1,500
To the several Tutors within the walls, viz.: Messrs. Levi Frisbie, Ashur Ware, and William Pitt Preble, each 660
The Librarian, ... 550
The two Proctors, each 150

be their annual salaries, to be paid to them quarter-yearly, until the same shall be altered by this Board, with the approbation of the Board of Overseers."

This last vote was passed during the first year of the Presidency of Dr. Kirkland; and it is apparent that the intention was thenceforth not to prescribe annual salaries for the instructors and officers at the commencement of each financial year, as the custom had been, but to fix the same permanently, that is, by an order or vote, with a provision that the same should not be altered except by the concurrent action of both Boards. None of these salaries, so established as aforesaid, appear to have been changed, by virtue of any act of both Boards, in accordance with the terms of the above-mentioned vote.

The Committee, in a cursory examination of the records from the beginning of the year 1811 to the present time, have noticed not more than three or four instances in which votes adopted by the Corporation [23] respecting salaries have been presented by them to the Overseers for their consideration and approval.

Thus, then, the right of confirmation or revision, on the part of the Overseers respecting the votes and doings of the Corporation in relation to salaries and allowances to instructors and officers, was not only acknowledged in the year 1761 in a formal and solemn manner by the President and Fellows, but has been fully confirmed by the practice since that time.

The Committee requested the Treasurer to furnish to them a list of the present instructors and officers of the College, with the amount of the salary paid to each during the past year, appended to his name. The Treasurer very promptly complied with this request. They have not, however, found it convenient to make such particular inquiries respecting the several salaries specified in said list, as to enable them to form a very satisfactory opinion concerning the same; but the impression derived from this cursory examination is, that these salaries, as to the amount in each case, are suitable and proper in every instance but one, and that is the salary paid to the Treasurer.

It is believed that the allowance to the Treasurer has always been small. It appears by the vote heretofore cited, fixing the amount for the year 1761, that the regular salary of the Treasurer was forty pounds only, that is, about the sum of one hundred and thirty-three dollars.

Judge Davis held this office from 1810 to 1827, a period of seventeen years, and he received during [24] the whole time seven hundred and twenty dollars per annum, that being the salary fixed by the vote passed as aforesaid the latter part of the year 1810. He received nothing on account of the expense of clerk hire, rent of office, &c., and one of the Committee happens to know that Judge Davis employed a clerk, for whose services and other expenses he actually paid the whole of said sum of seven hundred and twenty dollars. He therefore, *in fact*, received nothing for his services as Treasurer.

From the year 1827 to 1852, a period of twenty-five years, the office of Treasurer was held three years by Ebenezer Francis, Esq., twelve years by Thomas W. Ward, Esq., and ten years by Samuel A. Eliot, Esq.; and during the whole time about eight hundred dollars were applied annually to the payment of the amount of clerk hire and other necessary expenses in the office of the Treasurer, but no compensation was paid, *in fact* or *in form*, to the Treasurer for his own services, the same being rendered by him gratuitously. And it appears (as the Committee understand) by various votes of thanks and other resolutions, unanimously adopted by the Corporation, that in the opinion of the members of that Board the duties of Treasurer were never more promptly, efficiently, and satisfactorily performed, than they were during said period of twenty-five years.

The Committee, therefore, are surprised to learn that the Corporation did, on or about a year prior to the resignation of Mr. Eliot, viz. about November 27, 1852, pass a vote, directing a salary of [25] fifteen hundred dollars to be paid to the Treasurer, which was over and above the usual allowance to him of about eight hundred dollars per annum, for expenses of clerk hire, rent of office, &c. Under such circumstances, it is difficult to comprehend for what reason said order or vote was adopted.

The Committee have no doubt that there are many highly respectable gentlemen in this community, of perfect responsibility and every way qualified for the situation, who would take this office,

being one of high honor and dignity, and discharge its duties faithfully and satisfactorily without compensation. They therefore cannot, without further information than they have been able to obtain, perceive any good reason why the Government of the College may not save this sum of fifteen hundred dollars every year.

The vote by which the Corporation undertook in 1852 to attach a salary of fifteen hundred dollars to the office of Treasurer, has never been presented to this Board; and the passing of the same by the Corporation furnishes, in the opinion of the Committee, pregnant evidence of the propriety of its being insisted upon by the Overseers, that they should have an opportunity to pass judgment upon every vote of the other Board in relation to salaries and allowances to officers and instructors.

As the above-mentioned vote, which was passed in 1810, fixing the compensation of the Treasurer at seven hundred and twenty dollars, without any allowance for clerk hire and other expenses, has never been repealed or modified by both Boards, it is difficult to perceive why *that* sum should not be [26] regarded as the amount of his legal salary. The Treasurer, however, has for the last three years received about eight hundred dollars for clerk hire and other expenses each year, and as compensation for his services, the further sum of fifteen hundred dollars per annum. This surely is contrary to the aforesaid vote or order, adopted in 1810, which by its express terms was not to be altered, except by a vote of the Corporation, with the approbation of the Overseers.

The Overseers must always be anxious that the Corporation should exercise all the powers conferred upon it by the Constitution of the College, and that the efficiency of that Board should be preserved unimpaired, and all its rights and powers maintained in their original integrity.

The Corporation is certainly a very important body, and has on many trying and difficult occasions, during a period of two centuries, been the bulwark of the College. A large number of able, honorable, and patriotic men have held seats in that Board, and the Presidential chair has been occupied by a long line of wise and venerable men, and never by one of more practical wisdom and more deserving the confidence of the friends of the College than the present incumbent.

The Overseers surely can have no desire to assert any rights, or

claim any powers, which have not manifestly been conferred upon them. The Corporation, being a small body, and for that reason better qualified to manage all *business affairs* of the College, and to discharge every function of an *executive character*, it must be left to them to perform substantially [27] all such duties as they have performed heretofore. Nothing will tend more to the promotion of harmony between the two Boards, than a manifestation, at all times, of readiness on the part of the Corporation to communicate to the Overseers all such votes and information as they ought, or may desire to have.

And while the Overseers should never manifest a disposition to interfere improperly in any matter whatever, or to do anything which will be likely to embarrass the Corporation, yet it is the duty of this Board to exercise every power which clearly belongs to it under the Constitution of the College.

The Committee will only add, that they have prepared a Resolve, accompanying this Report, the object of which is that a few simple, joint rules should be prepared by a Committee of the Corporation, and a Committee of the Overseers, to be submitted to the two Boards respectively, by which the several irregularities herein considered, or referred to, may be corrected, and by which the respective powers, rights, and duties of the two Boards may at all times be recognized and enforced.

All which is respectfully submitted by

GEORGE MOREY,
SAMUEL HOAR,
G. W. BLAGDEN,
H. B. WHEELWRIGHT.

Boston, January 31, 1856.

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[28] The foregoing Report, having been read and considered, was accepted without a division.

Mr. MOREY, in behalf of the Committee, then presented the Resolve referred to in the concluding part of said Report, which being read, and the blank therein being, on motion of Hon. THOMAS RUSSELL, filled with the names of the members of the Committee who made the Report, was adopted as follows : —

In Board of Overseers of Harvard College,
January 31st, A. D. 1856.

Resolved, That Hon. George Morey, Hon. Samuel Hoar, Rev. George W. Blagden, and Henry B. Wheelwright, Esq., be a Committee to confer with a like Committee of the President and Fellows, and agree upon such suitable Joint Rules as shall secure to the two Boards, as far as it may be practicable, their respective rights; — especially such Rules as shall regulate the intercourse between them, and provide for the prompt transmission of all such Votes of the Corporation to the Overseers as they may have a right to confirm or reject, revise or take action upon, or of which it may be fit and proper they should have possession and official knowledge; and said Committees shall report the result of their conferences and deliberations to their respective Boards.

REPORT

OF

THE COMMITTEE

OF THE

ASSOCIATION OF THE ALUMNI

OF

HARVARD COLLEGE,

APPOINTED TO TAKE INTO CONSIDERATION

THE STATE OF THE COLLEGE LIBRARY,

IN ACCORDANCE WITH A VOTE OF THE ASSOCIATION PASSED AT THE ANNUAL MEETING,

JULY 16, 1857.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.
1858.

HARVARD COLLEGE.

At the Annual Meeting of the Association of the Alumni, held July 16th, 1857, it was unanimously

"*Voted*, That the President of the Association be authorized to appoint a Committee to take into consideration the state of the College Library, and devise adequate means for its increase, maintenance, and administration."

In accordance with this vote, the following persons were appointed by the President, with power to fill vacancies, to increase their own number, and to report progress at the next annual meeting of the Association.

COMMITTEE.

THOMAS G. CARY,
SAMUEL D. BRADFORD,
CALEB CUSHING,
GEORGE B. EMERSON,
WINSLOW LEWIS,
NATHANIEL I. BOWDITCH,
EDWARD WIGGLESWORTH,
EMORY WASHBURN,
GEORGE S. BOUTWELL,
GEORGE S. HILLARD,
THOMAS G. APPLETON,
NATHANIEL B. SHURTLEFF,
SAMUEL OSGOOD,
HENRY J. GARDNER,
GEORGE LIVERMORE,
CHARLES DEANE,
HENRY A. WHITNEY,
FRANCIS E. PARKER,
LEVERETT SALTONSTALL,
T. BIGELOW LAWRENCE,
MARTIN BRIMMER,
HENRY G. DENNY,
PETER C. BROOKS, Jr.,
KNYVETT W. SEARS.

The Committee, having received notice of their appointment, met at the house of the Chairman, May 20th, 1858, and after consultation it was

"*Voted*, That a Sub-Committee, consisting of the Chairman, with Messrs. Lewis, Denny, Whitney, and Lawrence, be appointed to inquire into the present state of the College Library, and report its exigencies at a future meeting."

The Sub-Committee visited the Library at Cambridge on the following day, and were there met by President Walker, several of the Professors, and the Librarians; and after conferring with those gentlemen on its present state, they requested the Professors to furnish them with statements in writing of the deficiencies in their several departments, and desired the Librarians likewise to give more general statements of what is needed.

Statements having been furnished, a meeting of the General Committee was held on the 3d of July, in the Hall of the American Academy of Arts and Sciences in Boston, when the Sub-Committee made a verbal report, accompanied by the written statements mentioned, which were read. Whereupon, it was

"*Voted*, That the documents be referred back to the Sub-Committee, with instructions to prepare a report to be presented to the Association of the Alumni at their next annual meeting."

A committee of finance, consisting of Messrs. Whitney and Denny, with the Chairman, was accordingly ap-

pointed to provide the means for printing such report, with such parts of the written statements referred to as it might be thought expedient to publish.

The subscribers, therefore, in behalf of the whole Committee, beg leave to present the following

REPORT.

The need of some vigorous effort in aid of the Library of Harvard College may be shown in few words. It consists of about seventy thousand volumes, intended for the use of Professors, Tutors, and Students of all grades. To keep this Library furnished with such new works as are annually produced in the various departments of literature and science, the income derived from invested funds amounts scarcely to five hundred dollars per annum, and of this sum two thirds are specially appropriated to two departments only, leaving, for the supply of all the others, less than one hundred and fifty dollars of regular income, with only so much in addition as can be saved, after paying incidental expenses, out of an allowance, necessarily very moderate, from the general funds of the College. The sum remaining the last year from this source, for the purchase of new books, was only five hundred and twenty-seven dollars.

The Library is here spoken of without reference to the collections of books for the Medical, Divinity, and Law Schools, which, taken collectively with this, constitute

the Library of the University, and amount, in all, to one hundred and twelve thousand volumes, making the largest library in the United States, — a distinction which will soon be forfeited unless something efficient be speedily done; while it may be questioned, even now, whether, if tried by the test of real value, it is entitled to hold the first place in the list of our public libraries.

The Astor Library of New York contains already ten thousand volumes more than that of Harvard College proper, all of them recently selected with special reference to the several branches of literature and science which it was intended to complete; while a large fund is understood to remain, yielding a great income annually, for further purchases. This is mentioned in no spirit of rivalry, either for our College or State, excepting that which rejoices for the whole country in the progress of intelligence, let it proceed from what quarter it may, and which looks with pleasure on every new standard for increased exertion, even when raised by others who become foremost in generous emulation.

But the deficiencies consequent on the lack of means at Cambridge for keeping a large library even with the age — an age so fertile in the products of intellect and so progressive as the present — are painfully felt; and they are so forcibly stated in the documents which accompany this Report, that the Committee need say but little more, in order to present the exigencies of the case, than

earnestly to ask the attention of the Alumni and the friends of learning to the language of the President, the Professors, and the Librarians of Harvard, in the following communications on this subject.

The Professor in the department of Moral and Intellectual Philosophy and Political Economy tells the Committee: "The sciences which I am expected to teach are progressive sciences. Every year, almost every month, something new respecting them appears from the English, French, and German press. The professor is expected to keep abreast with the advancing tide, to know the latest word which has been uttered in the philosophy of human nature. How is this possible, considering that he has no private fortune, and that his salary is a very moderate one? It is hardly fair to expect him to buy books out of his scanty income; but I believe my own private collection is considerably richer in recent works than the public Library."

At the close of one of the letters addressed to the Committee is the following: —

"P. S. At the suggestion of the Librarian, I add, by way of illustration of the state of one department of the Library, that for two years past I have spent more than one quarter of my salary in the purchase of books which I felt were indispensable to me as a teacher, nearly all of which are wanting in the Library. I state this merely for the information of the Committee, re-

questing that the circumstance may not be mentioned in connection with my name."

It will appear from the following letters, that similar wants exist in History, in Belles-Lettres, in Bibliography, in Philology, and in nearly every department of the Library; and while the Scientific School is not yet even partially provided, as the other Schools of the University have been, with a library specially adapted to its purposes, the students there can find but little benefit in resorting to that of the College for recent works on Engineering, Chemistry, or Geology.

The able and full statement of the wants in Bibliography, lying as it does at the bottom of all other wants in books, as presented by Mr. Abbot, who is charged with that department, and with the Library Catalogue, deserves particular attention.

Under these circumstances, it seems essential to the success of any plan that may be devised for the increase and maintenance of the Library of Harvard College, that its present condition with reference to the advance of the age should be made known, and urged on the attention of the Alumni and the community. The Committee suppose that they take a step toward improvement by presenting a statement of the case, and furnishing the means for its wide diffusion in a more durable form than publication in daily papers, although important aid in that way has been rendered by the liberality of several editors, and might still be relied on.

If the picture presented be so dark as to appear injurious to our College when compared with others, it is to be remembered that the nature of our wants is proof in itself of an extensive collection already made.

The Annual Report of the Committee on the Library for the year 1856, made to the Board of Overseers of the College by Hon. Emory Washburn, chairman of the Committee, contains the following very appropriate remarks: —

"In judging of the Library and its wants and deficiencies, your Committee would not be so unreasonable as to institute a comparison between the number of volumes it contains and those of the principal libraries in the Old World. We may never hope to rival, if, indeed, it were desirable to do so, the accumulations which royal munificence or governmental bounty may have gathered in a long course of years. Nor should we count a library as intrinsically of little value, because it failed to approximate to those of Paris, or Munich, or Petersburg, or the British Museum. It may, from the character of the works it contains, and the wants it is designed to supply, be everything that could be desired in one state of things, though wholly inadequate and unsatisfactory in another.

"The intrinsic value and distinguished character of many of the works of which the University Library is composed, as well as the munificence of its private con-

tributors, need no encomiums from your Committee. But while they would do justice to these, they would do injustice to the subject if they were unmindful of the wants that are still to be supplied.

"The Library is not designed for a school of mere elementary instruction. If it were, there are already more books upon its shelves than could be profitably made use of for such a purpose. The public have a right to regard it as a University; and not only so, but as an institution almost coeval with the Commonwealth itself, and always treated in some respects as an institution belonging to the State. Nor can it be concealed that in its prosperity and success the honor of the Commonwealth is in no slight degree identified and involved. . . . . .

"If time permitted, the Committee could enter more into detail in pointing out the wants of an institution like this.

"If we turn for a moment to the department of American History alone, we should find, that, although she once stood pre-eminent here, even private collections have surpassed her. One of these collections is said to contain some twenty-five thousand works illustrative of American history, while a single glance at the catalogue of similar works and treatises in Gore Hall would give us just cause of apprehension that individual enterprise and zeal have outstripped the University, even in a matter touching our national pride. . . . . .

"Harvard never deserved more fully than she now does the favor and confidence of this community. She never, according to her means, more fully met the demands upon her, than she seems now to be doing in all her departments. She only asks of the public and her friends, that, with the constantly increasing demands upon her in each of those departments, her resources may not long be left inadequate to sustain that eminence as a seminary of learning which Massachusetts even in her infancy was sedulous to promote, and made sacrifices to maintain."

An invested fund of eighty or one hundred thousand dollars is wanted, and should be aimed at, — the income to be applied to the purchase and binding of books. This, of course, is not to be speedily obtained. It can only be the happy result of successive and unwearied exertions, commensurate with the importance of such an end kept steadily in view. To effect this object, much may be done by general subscriptions. Much, too, may be hoped for by bringing the wants of the Library, as opportunity occurs, to the recollection of those who design to promote, in some way, by their bequests, the future welfare of the country.

In the mean time, something may be obtained from the ready spirit that generally exists in the community to give the aid even of small means to such useful purposes as this.

In the communication of the President there is an important suggestion of assistance that may be had, by enlisting the partialities of those who have special preferences in the pursuits of science or literature to provide for their favorite branches. And in the communication of the Librarian, Mr. Sibley, the importance of attention in saving what might seem of little value, and making even small contributions, is clearly shown.

The inquiries of the Committee have led them to view the subject as one of such importance as calls for the exertions of the whole body of the Alumni; and again referring to the documents annexed, they recommend it to the renewed attention of the Association.

As a plan for present action, and to provide means until a permanent fund can be established, it is recommended that a standing committee of the Alumni be appointed, with power, in the name of the Association, to solicit annual subscriptions in moderate sums, payable for a term of years, or until discontinued on notice.

All which is respectfully submitted.

For the Committee.

THOMAS G. CARY,
WINSLOW LEWIS,
HENRY G. DENNY,
HENRY A. WHITNEY,
T. BIGELOW LAWRENCE.

STATEMENTS

OF

THE PRESIDENT AND OTHER OFFICERS OF THE COLLEGE, CONCERNING THE STATE OF THE LIBRARY.

I. Remarks of President Walker at a Meeting of the Sub-Committee of the Alumni Association, held at the College Library, May 21, 1858.

[A copy from the records of the Committee.]

"President Walker said, ... that, with their small means, the Library was going behindhand; that even to keep it where it was, liberal contributions were needed every year; and that, if the subject were kept before the public in this way, men, in making their wills, would be more likely to supply large deficiencies.

"He said that people should be made to take an interest in those departments of the Library that related to the subjects they themselves were interested in. If a man, for instance, were interested in Natural History, he would desire that the Library should have the books in his favorite department. So of the Classics. There are some who fear that, in the various changes in the systems of education, the study of the Classics may cease to be considered of importance. Such men would be likely to see that that department of the Library should be well kept up. The same might be said of

the various sciences. The late Mr. James Brown was much interested in Natural History, and offered to take the responsibility of being chairman of a committee to supply the Library with books on that subject. Carrying out this idea, the labor might be subdivided; another committee might supply works on Chemistry, and so of the rest.

"President Walker also said that he thought a sum, say of five thousand dollars, might be subscribed annually for perhaps ten years."

II. Extracts from President Walker's Annual Reports to the Board of Overseers for the Years 1852–53 and 1853–54.

"Even if all departments of the Library were now filled and brought up to the demand of the times, not a year would pass away before all would be seriously defective again. What the College needs, as a place of earnest study directed by teachers aiming to be on a level with the highest problems of the day, is a large fund, the income of which shall be sufficient to obtain every important work in every branch of learning and inquiry, wherever published, and as soon as published. To expect high and various scholarship, as scholarship is now understood, without providing such means and facilities, is to expect an impossibility."

"The wants and claims of the Library must be urged again on a generous and thoughtful community. . . . . Grateful, however, as the College should be, and is, for liberal contributions to the Library from various quarters, it will not do to depend on such means for a regular and timely supply of the best books which appear in every department of science and letters. A college library is for the teachers more than for the taught, that the teaching in all the branches may be of the highest order; never falling behind from igno-

rance of the latest discoveries in an age more fruitful than any which has preceded it in original investigations. What is wanted, therefore, sorely wanted, is a large Library Fund, the income of which shall be sufficient to procure *every work of real value* published in any part of the world, and as *soon as published.*"

III. Statement of Professor Bowen, of the Department of Natural Religion, Moral Philosophy, and Civil Polity.

Harvard College, June 4th, 1858.

Thos. G. Cary, Esq., *Chairman of the Committee on the College Library.*

My dear Sir:—

It is not easy to make any very definite statement respecting the deficiencies of the College Library in the department of Moral and Intellectual Philosophy and Political Economy. A list of the books which are wanted would be a very long one, and, even if much time and labor were given to the preparation of such a list, it would still be imperfect. It is enough to repeat here, what I have already verbally stated to the Committee, that very little has been purchased in this department for the last fifteen years, and hardly anything for the last five years. Two or three years ago, the Corporation allowed me to expend a little over one hundred dollars on recent works in Political Economy, and this is the only considerable purchase which has been made since I have been connected with the department. Now the sciences which I am expected to teach are progressive sciences; every year, almost every month, something new respecting them appears from the English, French, and German press. The professor is expected to keep abreast with the advancing tide, to know the latest word which has been uttered in the phi-

losophy of human nature. How is this possible, considering that he has no private fortune, and that his salary is very moderate? It is hardly fair to expect him to buy books out of his scanty income; but I believe my own private collection is considerably richer in recent works than the Public Library. The students sometimes come to me for the loan of books which cannot be had elsewhere, and it is but seldom that I can aid them. I would gladly compound the matter, and give up the hope of supplying present deficiencies, or of obtaining the works which have been already published, if means could only be provided to keep pace with the press in future, or to purchase each coming year the publications of that year only. A very moderate sum would suffice for this purpose. I believe three hundred dollars a year would be enough. The expenditure of this sum each year, under the direction of the head of the department, would prevent the Library from falling behind the age, and answer the most pressing demands both of the students and the public.

Very truly and respectfully,

Your obedient servant,

FRANCIS BOWEN.

IV. Statement of Professor Torrey, of the Department of History.

Cambridge, June 14th, 1858.

Hon. Thomas G. Cary, *Chairman of the Committee of the Alumni of Harvard College on the Library.*

Dear Sir:—

I beg leave to present a brief memorandum of the state of the department of History.

I. *Sources of History.* A part of the sum contributed several years ago was expended on foreign collections of

chronicles and memoirs. But there was great leeway which was not all made up, and of course, as soon as the money was spent, the Library fell off again. Nothing, or next to nothing, has been done of late in this direction. Of the great German "Monumenta Historica," for example, we have not a volume; and we are without means to purchase the series of hitherto unpublished chronicles just begun in England, under the eye of the Master of the Rolls. Many of the publications of foreign historical societies are unattainable luxuries; and an inquirer who wishes to go to the bottom of a great subject must look elsewhere for the necessary materials.

In the last twenty years the press has sent forth a vast mass of other original materials for history; — public documents of great value, the letters and other private papers of eminent men, personal reminiscences, posthumous memoirs, and the like. The bulk of such works being great, no library can be fully supplied with them without possessing pretty liberal resources. It is hardly worth while to ask at the College Library for recent publications of this class. The instructors need them for their own use, and still more for the use of their pupils. Of what service is it to call the attention of young men to books which they know are utterly beyond their reach?

II. *Standard Histories*, general or special. No one is ignorant how large a part of the literary activity of the present day has taken an historical turn. In England, in France, and in Germany, this activity is alike, if not equally, apparent. Let me name a few of our many blanks. A work of prime importance in the history of the Papacy is the Annals of Baronius, with its several continuations. Of this work somewhat more than one half of the volumes are wanting, and of the portion now preparing by a distinguished Catholic scholar we shall, unless we are raised from our present state of poverty, not see a volume for the next quarter of a century. Thiers's History of the Consulate and the Empire we know nothing of, and the recent volumes of Michelet's History of

France are not likely soon to join the earlier ones in our alcoves. The important work of Henri Martin, though honored with the prize of the French Academy, and already arrived at the eleventh volume, has not yet found a place. Leopold Ranke's and Gervinus's works are not all on our shelves, and the younger German historians are scarcely represented. Pauli's History of England (in German) has been out from three to five years, and, as the production of a faithful and persevering searcher of the old records, ought to have been purchased long ago. But it has not made its appearance. As things now are, nearly a generation of histories may drift by us without our saving more than a few fragments. We want a fund of sufficient amount to furnish an annual revenue equal to the purchase of samples, at least, of the current literature. The samples seem to be beyond us now.

III. Every library ought to be in a condition to avail itself of the special opportunities afforded to it by the political crises of the day. The Russian War brought out new publications relating to Russia and Turkey. The mutiny in India has led to new works on that country. The present interesting position of Sardinian affairs makes all information on that subject valuable, and the close analogy in many respects of Swiss institutions to our own makes the working of the federal system among the Cantons highly curious. But scarcely any recent historical publications are on our shelves.

Other countries are coming out of barbarism or stagnant civilization into the glare of modern ideas, and the curiosity of the world is awake in regard to them. But in our alcoves there is hardly a book to be found that owes its existence to the fact that anything has lately happened, or is now happening, in Egypt or China, unless perhaps a Blue Book or two, the gift of the English government, may be an exception.

IV. *Biographies.* Many of these are in great part made up of valuable materials, before accessible only to the authors.

They are, therefore, of great use, apart from their independent and distinctive value, as auxiliaries to history. Here also we are sadly in arrear. This is particularly unfortunate, as no books are more instructive and stimulating to young men than the lives of great and good men; and history is often more easily conveyed in the more genial form of personal experiences, than in the elaborate exhibitions of national policy. Within a few days I have known of young men, having performances assigned to them for our coming Commencement, who could not find certain useful books on the subjects they were to deal with, though recently for sale in Boston, for what to a library with even moderate means would be a trifle.

V. History cannot be read to advantage without geographical apparatus, and particularly without good maps. Much of recent geographical research and discovery must be sought for in books of travel. But though "many run to and fro," our "knowledge" is *not* "increased." Our deficiencies in this quarter are almost ludicrous. Map-making, especially, has of late years (at least in Germany) been carried to great perfection. There is small evidence of it in our alcoves. Historical atlases are of peculiar value to a student. In France and Germany several have been published, of various degrees of excellence. I doubt whether we have a single recent work of the kind. We need these helps the more, that the makers of school-books in this country have hardly come to the knowledge of the existence of an historical map. Young students cannot buy such atlases except at high importing prices, and must therefore seek them in our great libraries. In Physical Geography, too, we are much behindhand. We are not so rich as the Cambridge High School.

These are but desultory and undigested notes. But I hope that, if loose, they are yet intelligible. I have not specially referred to American History. On that subject it will suffice to say, that the last considerable sum at the disposal of the College for that department was expended ten years ago, or

more, and that those ten years have been a period of great activity in this branch of inquiry.

I understand that the Committee would like to be furnished, from each department, with an estimate of the probable annual expenditure required to keep it up to a reasonable supply. Any such estimate must be highly conjectural, considering that we have not only to meet the demands of the current hour, but to supply past omissions. The usual fate of poverty pursues us here. Not having been able to buy as we should, we must buy as we can. For books that have become scarce by mere lapse of time, procrastination must pay a premium. Some of the large collections which we have not improved an opportunity to procure at first cost, it will be difficult to complete at any cost. To be economical, we must be above indigence.

I do not think that so wide, so miscellaneous, and so neglected a department, can be kept decently along for less than five hundred dollars a year. To maintain it liberally, one thousand dollars does not seem an extravagant sum.

Which is respectfully submitted by

Your obedient servant,

HENRY W. TORREY.

V. Statement of Professor Lowell, of the Department of Modern Languages and Polite Literature.

Cambridge, 7th June, 1858.

My dear Sir: —

In answer to your inquiry as to deficiencies in the Library, so far as my own department is concerned, I could not without useless trouble enter into details.

In Belles-Lettres, a good deal has been done by Professor Child to supply glaring deficiencies, as far as English

is concerned, but in all the Modern Languages the wants are such as are discreditable to the library of a university. There are absolutely none of the later German authors, — for example, nothing of Heine, Auerbach, Grün, Lenau; in French, nothing of modern criticism; in Italian (except a few volumes of the Wales Collection), nothing recent, not even of such men as Leopardi, Gioberti, and Cantù. To enumerate all that are wanting would be to copy the booksellers' lists of the last twenty years.

I sincerely trust that the present movement will end in endowing the Library permanently with a fund large enough to keep it something more than merely not out at elbows.

I remain very truly yours,

J. R. LOWELL.

J. L. Sibley, Esq.

VI. Statement of Professor Lane, of the Latin Department.

Cambridge, June 8th, 1858.

Hon. Thomas G. Cary.

Sir: —

In answer to your request to state the wants of the Library in the department of Latin, I would first remark, that many valuable books were added from the fund subscribed in 1842. Since that time, occasional additions have been made, but no systematic attempt has been made to keep up with the publications of the day.

The Latin department of the Library is therefore sixteen years behindhand. The scholar of 1842 found his wants tolerably well supplied. The scholar of 1858 will seek in vain for the various philological, linguistic, archæological, and historical works which the unremitting activity of the past sixteen years has produced. He must either be contented to go back to 1842, or he must supply his wants from some other quarter.

An urgent need of the Library is that of philological journals. As these periodicals discuss the latest works issued, and the latest views prevalent in the whole field of Philology, they are indispensable. The articles published in them are often of historical value, and are often referred to in other works, yet they are seldom republished in any other form. To the bibliographer these journals are important, because they enable him to form an idea of the works published in Europe, to select the good and to discard the bad.

The past volumes of these journals can commonly be procured at a reduced price. To continue the series from year to year, would cost comparatively little.

It is difficult to speak of the other wants of the department without going into detail. I will content myself with remarking, that there is hardly a Latin author whose text has not been revised and essentially purified within the last sixteen years. Any researches, philological, literary, or historical, based upon the older texts, would lack one chief thing, — a positive and trustworthy foundation.

All collateral works illustrative of Classical Antiquity, or in any way dependent on it, have been correspondingly modified. Many of these works are of a general nature; for instance, the historical works are equally important to the Historical and the Latin departments; others again are common to the Latin and Greek departments. Thus, by supplying a want in one department, good service may be rendered to several.

By a judicious system of purchase, and the superior advantages the College would have over private buyers, the deficiencies in the Latin department could be made up for no very great sum. If three hundred dollars a year were expended for works in this department, I think it would supply the present wants, and help to put the Library in good working condition.

I am, Sir, with great respect,

Your obedient servant,

GEORGE M. LANE,

University Professor of Latin.

VII. Statement of Tutor Goodwin, of the Greek Department.*

To the Committee of the Alumni, on the Library of Harvard College.

Gentlemen: —

The Greek department of the Library labors under the great difficulty common to the other departments, — general incompleteness, and especially the want of the newest and best books. It would be absurd to deny that the Library contains a large number of valuable books in every department of Classic Philology; but at the same time, it must be said that the *best* book in each department (if it be a recent publication) is not likely to be found, and that the value of the whole collection is thus materially impaired. As examples, I would mention, that the best Greek grammar, the best manual of Greek Antiquities, and the latest and best works on Greek Mythology, are not to be found in the Library.

Since the last important additions made to the Classic department of the Library, many editions of Greek as well as of Latin authors have appeared, which have made eras in the study of those authors; and yet, these are generally wanting in our Library. I need mention only Hermann's Æschylus. It would be impossible, indeed, for any one, depending upon this Library for the means of editing a tragedy of Æschylus, Sophocles, or Euripides, or an oration of Demosthenes, (to go no further,) to find the necessary material even for the construction of the text, to say nothing of the commentary. He would be constantly liable to fall into error from the want of recent standard works, with which every scholar would have a right to expect him to be acquainted.

The Classic departments are so intimately connected with those of Ancient History and Archæology, that the de-

* The Professor in this department is absent from the country.

fects in either of the latter are very sensibly felt in the former. Much may be done for all these departments combined, (and at a comparatively small expense,) by providing the Library with the various journals devoted to these subjects, which are constantly appearing in Europe, and especially in Germany. Several of these are already in the Library, and back numbers of the others can be obtained at a small expense. There is no other country where such a collection would be of so great service to scholars as in America, where the access to the latest publications of Europe must always be more or less restricted, and where it is, therefore, the more important to have such knowledge of the publications of the day as is afforded by these periodicals.

As to the sum required to keep the Greek department supplied with books, (supposing past deficiencies to be made up,) I should think that two hundred dollars annually would be sufficient, with the additional assistance which the department would receive from additions to the historical collection. It should be stated that this sum would not include any provision for the more expensive works on Archæology, as these could be procured only by special appropriations of large sums, and would naturally not admit of an exact estimate of annual expense.

I remain, Gentlemen, with great respect,

Your obedient servant,

W. W. GOODWIN,

Tutor in Greek.

Harvard College, June 5th, 1858.

VIII. Statement of Mr. Sibley, the Librarian.

Harvard College Library,
Cambridge, Mass., June 7th, 1858.

Hon. Thomas G. Cary.

Dear Sir: —

As several of the College officers will probably send you details in relation to the wants of their respective departments, it may not be necessary for me to do more than make general statements. Applications for books which are not in the Library are so common, that I am painfully impressed every day with the impossibility of furnishing either officers or students with what are wanted to meet the importunate demands of the lecture and recitation rooms. The branches which bear on collegiate education are so numerous, that in the appropriation of the small income from the Library funds very few volumes, at most, are all that can be added to any department. The reputation of the College and of the country, and the good of the community, appeal powerfully to the friends of the University to furnish at least the materials and tools for making the standard of education the highest and best on the continent. While large sums are annually raised in many cities of the United States for libraries which, to a considerable degree, are necessarily limited in their scope, some three hundred and fifty to five hundred dollars is all that the permanent funds of the Library of Harvard College furnish for the moral, religious, and intellectual culture of nearly seven hundred students from all parts of the country, who are constantly going forth to take prominent positions, exercise great influence on society, and perhaps wield the destinies of the nation. To meet these pressing demands, the first object should be to provide, as far as practicable, the modern works in the different departments, as fast as they are published. And with nothing less than this ought the friends of the College to rest satisfied.

If it were possible, it would be desirable to go further. Various departments are deficient in rare old books and pamphlets, which are as important to thorough students as the modern. The Library is not more used for reading than it is for literary, genealogical, historical, statistical, philological, philosophical, scientific, and other investigations. It is the reservoir from which all minds at the University are mainly to be supplied. No limits can be set to its wants, as may sometimes be done with libraries got up for specific purposes. The field of intellectual labor is now so broad, and so carefully and extensively cultivated, that applications are made, not only by the officers and students, but by men of eminent literary attainments, for books, pamphlets, and papers, which by a superficial, one-sided inquirer would be considered worthless. Books which are seldom read are wanted to verify quotations. Biographers and historians ask for ephemeral pamphlets, newspapers, manuscript diaries and letters, relating to the times and persons of which they write. Macaulay cites old almanacs. Some American Hallam or Sismondi will want to examine the school-books of the last and present centuries, to obtain a general idea of their character and of the early education of the country. And where is a collection to be found? Nowhere. They have not been considered worth saving.

The student of mental and ethical philosophy, and the writer of the civil and ecclesiastical history of the country, want the newspapers and books issued by the different religious denominations, from the strong works of Edwards, down to the little Sunday-school primer and the catechism, which are implanting in the child's mind principles by which he will be governed when he becomes a man. The destruction of papers and pamphlets has been so great, and books are so scarce, that it has been said there are not, either in America or Europe, materials for writing a history of the New England Primer, — a little book which has exerted an inconceivable influence on the religious opinions and character, and remotely

on the welfare and condition, of the nation. I think it doubtful if there is in existence even one copy of any of the very early editions.

Junk-dealers in the city, and tinmen in the country, collect wagon-loads of dead stock, old books, pamphlets, and papers, among which must be many of great rarity and value, and sell them for a cent or two a pound to paper-makers, to be ground over and converted into paper-hangings. About a year ago I saw in Washington Street, in Boston, three large wagons, nearly filled with huge bags, just leaving a very humble auction-room; and from a few pamphlets which a man was stuffing into the last bag, I rescued one which for nearly eleven years I had been trying to find, to assist me in completing the volumes of a valuable periodical.

I have known a journey to be made from New York to Cambridge, in a storm in January, mainly for the purpose of consulting an old funeral sermon, of which another copy could not be found in the country. It had probably never before been asked for during the generations since it came to the Library; but it was now wanted in a law case involving nearly half a million of dollars. How many would think a funeral sermon worth sending to the Library of Harvard College?

From a remote part of Maine, journeys were repeatedly made to this vicinity for information respecting land claims and mill-privileges, and the parties found at last, by means of an old Boston Directory to which I called their attention, that for years they had probably been pursuing their inquiries on one of the most important points in the wrong direction. And yet the question is often asked, "Of what use is an old Boston Directory?"

A family in a neighboring city, on vacating a house, sent a valuable donation; but from an apprehension that a thorough gleaning had not been made, a messenger was despatched to the place, and he found in the barn, among papers which had been thrown there as worthless, several of the old, scarce Acts

and Resolves of the State, other valuable documents, and a small unbound volume, of which fruitless efforts had been made to obtain a copy for the Library.

From a closet where they had probably remained nearly a century, we recently received tolerably complete files of the Boston News Letter and of the Evening Post for the years 1742, 1743, and 1744, which contain a large amount of important information, nowhere else to be had, respecting Whitefield and the great Revival, and the circumstances connected with the publication and statements of Prince's Christian History.

In a neat butter-firkin of literary remnants sent to the Library at my special request, I found pamphlets, odd numbers of periodicals, enabling me to complete imperfect volumes, and a file of newspapers which made a perfect copy of the first volume of the Boston Gazette, beginning in the year 1755, an important period in the history of the American Colonies.

More than once old barrels have been sent to the Library, and though in some instances mice had been feasting on the literary treasures, and running riot among them, I always found something that was desirable.

I might multiply cases to show the value of what is commonly considered worthless, and to call your attention to the vast number and variety of the applications from officers and students, and from others who are drawn to the Library by its reputation and their necessities. I may add, that some of the officers whom I have requested to write to you on the subject cannot speak in detail, but only in general terms, of the poverty-stricken character of their departments, and of the necessity they are under of having recourse to other public libraries, to private libraries, and to their salaries, to eke out, so far as they can, the means to bring their instruction up to the highest standard of the present day. But on this point I may have already become tedious.

I think it would be well if it were generally known that

there was never anything printed of which we should not be grateful for one copy. There are hundreds of persons who would be glad to get rid of what they call trash and rubbish. They would make not only their book-shelves, but their garrets, closets, old chests, trunks, and barrels empty their almanacs, sermons, newspapers, directories, reports, old books, manuscript letters and diaries, and pamphlets of every kind, into the lap of our Alma Mater. Among them we should find much that is valuable. Possibly we might get some things, of which not a copy is now known to be in existence. Authors, desirous of having their works accessible to the public, and preserved where they will be likely to be looked for and found by posterity, might be inclined in some cases to put in the Library a copy of each of their publications. Booksellers would find it for their interest to place here whatever they may print, for there are hundreds of readers to appreciate it and make it known. There are many instances where persons have bought for their own libraries, and for presentation to friends, books of which they obtained their first knowledge from the copies given to the Library. Many graduates might be prompted to give copies of all their writings, and, like the late Hon. Judge John Davis, also to make it a rule to send at least one good book to the Library every year. If this were generally done by the Alumni, with permission from the givers to exchange the duplicates, it would lead to important annual accessions. There may be persons interested in particular studies or pursuits, as poetry, political economy, ethics, American history, the drama, numismatics, Shakespeare, Milton, the reports and acts of some society or corporation, spiritualism, Mormonism, particular classes of sermons, of orations, of speeches, of periodicals, the Texan war, the Kansas difficulties, the reforms of the day, &c., &c., to whom it would be a pleasure to make the collections in their favorite departments as complete as possible, and place them where they would be minutely catalogued and carefully preserved. It is not incredible that some person of wealth,

having a desire to contribute liberally to an important object, would bring a princely fortune to bear on the intellectual wants of the country, and, instead of rearing a pile of stones and mortar, which must sooner or later crumble down and disappear, would give a permanent fund, which for hundreds, and possibly for thousands of years, would be yielding an income that, as often as books were bought with it, would call to mind the wisdom which made so useful a disposition of wealth. In time the greater part of the volumes in the Library would bear the benefactor's name in the shield of the seal. His memory would be called up perpetually and held in honor by the thousands who graduate, and by the scholars who from all parts of the country would be obliged to resort to the literary treasures which his bounty had been the means of amassing, and which would give to the Library celebrity, and make it a beacon to all literary and scientific men on the continent.

I might extend my remarks to other important topics. There is so much to be said, that it is difficult to determine where to begin and when to end. I would not overlook the enlightened munificence which has from time to time placed in our alcoves very rare and costly books and collections. There is an excellent foundation to build upon; but unless new works are added, the Library, however valuable in any past time, must cease to command respect, and to exert the influence which it ought upon the University and the country. If the views which I have advanced exceed what by some persons are considered reasonable anticipations, I hope no one will be deterred from contributing whatever his inclinations and abilities may prompt, however small it may be, and however unimportant it may seem, remembering that not a book or pamphlet has ever been printed, of which it is not desirable to have one copy in the Library.

I have the honor to be, respectfully, yours,

JOHN LANGDON SIBLEY, *Librarian.*

IX. Statement of Mr. Abbot, the Assistant Librarian.

To the Hon. Thomas G. Cary, *Chairman of the Committee of the Alumni of Harvard College, etc.*

Dear Sir:—

In accordance with the request of the Committee of the Alumni appointed to take into consideration the wants of the College Library, I submit some account of its deficiencies in the departments of Bibliography and Literary History. I will also take the liberty, trespassing as little as possible on those provinces which more properly belong to particular Professors, to call attention to a few of the desiderata in some other classes of literature.

I need not dwell upon the fact, that bibliographical works must, from their very nature, lie at the foundation of a library; that they are indispensable as a guide in the selection of books to be purchased; and that they are also of the highest importance, not to the librarian and cataloguer merely, but to all who have occasion to use the collection for any purpose of research. To persons who are investigating any particular subject, the value of special bibliographies — of books which tell them where to find what they want — is inestimable.

Bibliographical works may be divided into two great classes; — those which relate to the current literature of the week, or the month, or the year, — periodical bibliographies; and those which treat of what, for want of a better term, we may call stationary literature, — that which has lost the interest of novelty. I will speak first of our deficiencies in respect to the former class, that is to say, works which give an account of the new publications that are continually appearing in different parts of the world. It is to these publications that we must look, of course, for the latest results of literary and scientific investigation; and in them we find expressed the spirit and tendencies of the times. They con-

tain the seeds of future developments. They constitute a most important portion of the history of the Present, a comprehensive knowledge of which is quite as necessary to him who would act well his part in the drama of life, as is that of the history of the Past. The man of science will soon fall behind the age, if he is not familiar with the best new books in his department. Now if the Library of Harvard College cannot furnish these recent works to the Professors and students and others who use it, — and for the last ten years it has not been able to supply them with *one in twenty of the most important*, — it does seem as if it ought, at least, to afford information of their existence. But even this is denied. In respect to a large part of the current modern literature, we have not the means of learning the extent of our ignorance and the depth of our poverty.

The statement of a few facts will make this very clear. We take no English literary journal, like the London Athenæum, or the Literary Gazette, or the Spectator, which gives lists and notices of new books, and affords information concerning the proceedings of literary and learned societies, and other topics of interest to scholars. We do not receive Low's Publishers' Circular, nor his Annual Catalogue of Books and Pamphlets published in the United Kingdom, which is now provided with an exceedingly useful Index of Subjects. Our "London Catalogue of Books" ends with the year 1851; we have Low's Annual Catalogue for 1852, but nothing of the kind of a later date.

In respect to all other foreign literature, except the German, our deficiencies are still more deplorable. Our chief sources of information concerning the current French literature are the few notices which appear on the covers of the "Revue des Deux Mondes," and the catalogues and bulletins which booksellers occasionally send us. Our last volume of the "Bibliographie de la France, ou Journal général de l'Imprimerie et de Librairie," a weekly journal of the kind which we need, was published twenty-two years ago. This work has

been regularly continued since the year 1811, and there are several others of a similar character; but we have none of them. Nor do we take any literary journal, like the "Athénæum Français," which contains critical notices of new French books. If we thus have no means of knowing what is published from year to year in such a country as France, it will hardly be supposed that we fare any better as regards the literature of less important nations. We receive at the Library no such periodicals as the "Bibliografia Italiana," or the "Archivio storico Italiano," or the "Boletino bibliográfico Español," or Muquardt's "Bibliographie de la Belgique," or the "Nederlandsche Bibliographie," or the "Dansk Bogfortegnelse," or the "Svensk Bibliographi." Of course we have not such luxuries as the "Bibliophile Belge," made so famous by the contributions of the Baron de Reiffenberg, or the "Bulletin du Bibliophile," published by Techener, at Paris, though they contain much matter of interest to all lovers of books. The "Serapeum," edited by Naumann, of Leipsic, which is now flourishing in its nineteenth year, is full of important information concerning libraries and their management, newly discovered or collated manuscripts, and literary history in general; it is very often referred to; but we have no opportunity of consulting it, without visiting the Boston Public Library. Petzholdt's "Anzeiger für Bibliographie und Bibliothekswissenschaft," published monthly, is as important to a librarian, as Hunt's Merchants' Magazine, or perhaps I ought to say Thompson's Counterfeit Note Detector, is to a merchant or trader; but it is not to be found in the Library of Harvard College. The subscription price is $2.00 a year.

In speaking thus far of our destitution, I have made an exception in regard to German Literature. We take one valuable periodical, Gersdorf's Leipziger Repertorium, which contains the titles of the principal new German works, arranged according to subjects, and of some published in other countries, with notices or analyses of the more important. Several other periodicals which we receive, give information

concerning the recent literature of particular branches of learning. The booksellers also present us with Hinrichs's semi-annual Catalogue of all the new works printed in Germany. But the notices of books in the Leipziger Repertorium, for the most part, contain little criticism; they are not thorough reviews; and it is greatly to be wished that we had the means of taking such journals as the "Göttingische gelehrte Anzeigen," or the "Heidelberger Jahrbücher der Literatur," or the Vienna "Jahrbücher für Literatur," in which we find elaborate critical articles, prepared by the most eminent members of the Academies or Universities established where they are published. These articles are often referred to as authorities on the subjects of which they treat; and sometimes, without doubt, are of more value than the books reviewed. — For polite literature, I may mention that the "Blätter für literarische Unterhaltung" has been asked for in vain by the Professor of Belles-Lettres.

Turning now from periodical bibliography to works of a wider range, we find the deficiencies of the Library equally grievous. In preparing a list of bibliographical desiderata, the first work which occurred to me as likely to afford assistance was the "Bibliographie paléographico- diplomatico- bibliologique générale" of Namur, librarian of the University of Liége, published in 1838 in two thin octavo volumes. It is the express object of this book to give a classed catalogue of bibliographical works; and though not very accurate, it is still highly useful. But it is not in the Library; not because it has not been earnestly asked for, but because the money could not be spared for it. — The second volume of Oettinger's "Bibliographie biographique universelle" contains, in the second edition, published at Brussels in 1854, a "Répertoire des Bio-bibliographies," classed according to the countries, and also according to the different departments of literature, to which the works included in it relate. It is an invaluable book of reference; but we long for it in vain. The first edi-

tion, which we have, is without this very important "Répertoire," and contains only about half as much matter as the second. — But what will the Committee of the Alumni say, when they learn that we have only a very inferior edition of *Brunet*, the piratical Brussels edition of 1838–39? I have repeatedly had occasion to visit the Boston Athenæum, to obtain information only to be found in the last Paris edition.

Yet though we are thus destitute of some of the principal sources of information respecting works which are needed in the Bibliographical, as well as other departments of the Library, I have no difficulty in making out a melancholy catalogue of deficiencies. The chief difficulty is that of selection. The list which I submit contains but a small portion of the important works which I have noted as desirable.

I begin with

De Bure, Bibliographie instructive, *with supplements.* 10 vol. Paris. 1763–82. 8°.

This work is almost identified with the very name of bibliography, and, though belonging to the last century, is still pronounced by the Penny Cyclopædia "the most attractive manual of bibliographical knowledge ever published." Brunet styles it "ouvrage très recommandable."

Tonelli, F. Biblioteca bibliografica antica e moderna, d' ogni classe e d' ogni nazione. 2 vol. Guastalla. 1782–85. 4°.

Denis, M. Einleitung in die Bücherkunde. 2e Ausg. 2 Bde. Wien. 1795–96. 4°.

"Excellent ouvrage." — *Brunet.* All the bibliographical works of Denis are in very high estimation; but we have *none* of them.

Peignot, G. Dictionnaire raisonné de Bibliologie, *with supplement.* Paris. 1802. 8°.

I may as well say here, that we have none of the numerous works of Peignot, but should be glad to possess them all, particularly his "Dictionnaire critique des principaux livres condamnés au feu, supprimés ou censurés," 2 vol., Paris, 1802, 8°; — his "Répertoire de bibliographies spéciales, curieuses, et instructives," Paris, 1810, 8°; — his "Répertoire bibliogra-

phique universel," Paris, 1812, 8°; — his "Manuel du bibliophile," 2 vol., Dijon, 1823, 8°; — and his "Essai de curiosités bibliographiques," Paris, 1808, 8°, with the "Variétés bibliographiques," Paris, 1822, 8°, forming a supplement to the above.

Darling's Cyclopædia Bibliographica. London. 1854. 4°.

Valuable for its analysis of the contents of voluminous works. An Index of subjects, which promises to be still more useful, is publishing in monthly parts.

Denis, F. Nouvelle manuel de bibliographie universelle par F. Denis, P. Pincon, et de Martonne. Paris. 1857. 8°. Or in 3 vol. 18°, as one of the "Manuels-Roret."

This recent and very serviceable work has the advantage of being arranged according to subjects.

Freytag, F. G. Analecta literaria de Libris rarioribus. Lips. 1750. 8°.

———————— Adparatus literarius. 3 vol. Lips. 1752–55. 8°.

———————— Nachrichten von selten und merkwürdigen Büchern. Gotha. 1776. 8°.

The thoroughness and accuracy of these works of Freytag are highly extolled by Ebert.

Van Praet, Jos. Catalogue des livres imprimés sur vélin de la Bibliothèque du Roi. 6 vol. in 5. Paris. 1822–28. 8°.

———————— Catalogue des livres imprimés sur vélin qui se trouvent dans des bibliothèques tant publiques que particulières. 4 vol. Paris. 1824–28. 8°.

Hoyois, H. J. Musée bibliographique, collection d'ouvrages . . . dont le moindre prix est de 1000 francs. Mons. 1837. 8°.

Barbier, A. A. *and* Desessarts, N. L. Nouvelle bibliothèque d'un homme de goût, contenant des jugemens tirés des journaux les plus connus et des critiques les plus estimés, sur les meilleurs ouvrages qui ont paru dans tous les genres . . . 5 vol. Paris. 1808–10. 8°.

[Renouard, A. A.] Catalogue de la bibliothèque d'un amateur, avec des notes bibliographiques, critiques, et littéraires. 4 vol. Paris. 1819. 8°.

Very highly commended by Ebert.

Dibdin, T. F. Library Companion. 2d Ed. London. 1825. 8°. Also his "Bibliographical Decameron," 3 vols. 8°; his "Biblio-

graphical Tour in France and Germany," 3 vols. 8°; his "Bibliographical Tour in the Northern Counties of England and Scotland," 2 vols. 8°; and his "Bibliophobia," 8°. We also want the enlarged edition of his "Bibliomania," London, 1842, in 2 vols. 8°.

These works of Dibdin may not be intrinsically of the highest value, but they contain much curious and interesting matter; they are very famous, and it will probably surprise many persons to learn that they are not in the Library of Harvard College.

Niceron, J. P. Mémoires pour servir à l'histoire des hommes illustres dans la république des lettres. 43 tom. in 44 vol. Paris. 1729–45. 12°.

Among the necessary foundation-stones of a well-chosen library. — *Dibdin.* A work of much utility. — *Hallam.*

Joecher's Gelehrten-Lexicon, the continuation and supplements by Adelung and Rotermund. 6 vol. Leipz. und Bremen. 1784–1819. 4°.

Wanted to complete the original work, which we have, — a most valuable book of reference.

Jarry de Mancy, A. Atlas historique et chronologique des littératures anciennes et modernes, des sciences et des beaux-arts, *etc.* Paris. 1831. fol.

Grässe, J. G. T. Lehrbuch einer allgemeinen Literärgeschichte. 3 Bde. in 8 very large Abtheilungen. Leipz. 1837–57. 8°.

This is a gigantic work, which hardly any one but a German would now undertake, and which perhaps no living writer is so well qualified to execute as Grässe. It is the only recent universal history of literature with which I am acquainted since the time of Andres.

Grässe has just commenced a new Bibliographical Dictionary, which promises to be very important, with the title: "Trésor des livres rares et précieux, ou nouveau dictionnaire bibliographique, contenant plus de cent mille articles de livres rares, précieux et recherchés, d'ouvrages de luxe," *etc.* Liv. 1. Dresden. 1858. 4°. I hope we may be provided with the means of procuring it.

From these more general works, I pass to those which belong to particular departments of bibliography. I will first

mention some of our deficiencies in respect to books which treat of *the history of the invention of printing, and of the early productions of the art.*

. . . . . .

I have mentioned above only a few of the numerous recent works on the interesting subject of the invention and early history of printing. The principal treatises which we have relating to it are those of Meerman, published in 1765, and Lambinet, in 1810. Much light has since been thrown on the subject, but it has not yet penetrated into the recesses of the College Library.

We are also very deficient in works relating to *the productions of particular presses*, and to *the history of the art in different countries or cities.* . . . . .

[Under this and the preceding head are specified twenty-seven distinct works, in forty-five volumes, relating to the history of printing, with remarks like the following, from Horne, Brunet, Clarke, Dibdin, Peignot, and other writers, showing their value in a library: "Indispensable in every bibliographical library." "Of very great importance to the bibliographer." "Indispensable to bibliographical and even historical researches."]

No class of writings gives more trouble to the bibliographer and cataloguer, and, indeed, to all who have much to do with literature, than that of *anonymous and pseudonymous works.* Whatever enables us to pull off the mask from these disguised authors, and to discover their true character, is of great importance. We have, indeed, the priceless volumes of Barbier, but these are confined to French and modern Latin writers; and the last edition was published in 1822–27, so that it fails us with respect to the more recent literature. . . . . .

[Here follows a list of books that are wanted, including about fifteen volumes by Demanne, Quérard, Ersch, Rassmann, Lancetti, Melzi, Weller, and others.]

I now proceed to a very important class of bibliographical works, namely, those which relate to *the literary history of different nations*. To these may be added works which treat of *the literature of particular religious orders*, as the Benedictines, the Jesuits, etc. The following are some of our deficiencies in this department: —

AMERICA.

Griswold, R. W. The Prose Writers of America. Philad. 1847. 8°.

Read, T. B. The Female Poets of America. 3d Ed. Philad. 1850. 8°.

Duyckinck, E. A. and G. L. Cyclopædia of American Literature. 2 vols. New York. 1855. 8°.

Cleveland, C. D. Compendium of American Literature. Philad. 1858. 12°.

(Mexico.)

Eguiara, J. J. Bibliotheca Mexicana. Tom. I. Mexici. 1755. fol.

"In bibliographischer Hinsicht bedeutend." — *Oettinger.*

GREAT BRITAIN.

Bale, John. Scriptorvm Illustrivm Maioris Brytanniæ Catalogvs. Basil. 1557 – 59. fol.

Lowndes, W. T. The Bibliographer's Manual of English Literature. New Ed., enlarged, with a supplementary volume, by H. G. Bohn. Vol. I. Parts 1, 2. Lond. 1857 – 58. Sm. 8°.

In course of publication.

Craik, G. L. History of English Literature. 6 vols. Lond. 1844 – 45. 18°.

Cleveland, C. D. Compendium of English Literature. (2d ster. Ed.) Philad. 1848. 12°.

————————. English Literature of the Nineteenth Century, supplementary to the above. Philad. 1851. 12°.

[Griffith, A. F.] Bibliotheca Anglo-Poetica, or a Descriptive Catalogue of a rare and rich Collection of Early English Poetry. Lond. 1815. Roy. 8°.

"This extremely useful catalogue is deserving of a place in every good library." — *Lowndes.*

Catalogue of Early English Poetry and other Miscellaneous Writings illustrating the British Drama, collected by Edmund Malone, Esq., and now preserved in the Bodleian Library. Oxford. 1836. fol. pp. 52.

Irving, David. Lives of Scottish Writers. 2 vols. Edinb. 1839. 8°.

Macray, W. D. A Manual of British Historians. Lond. 1845. 8°.

Michel, F. Bibliothèque anglo-saxonne. Paris. 1837. 8°.

[In addition to the list of works in which the Library is deficient relating to the literary history of America and Great Britain, Mr. Abbot, with characteristic thoroughness, here gives a catalogue of nearly a hundred publications, consisting of more than three hundred volumes, treating of the literature of France, Italy, Spain, Portugal, and Greece; — of Germany, the Netherlands and Belgium, and Northern Europe, including Denmark, Sweden, Finland, and Iceland; — of the Slavic family, including Russia, Poland, Bohemia, and Servia, and also of Dalmatia, Wallachia, and Hungary; — of the ancient Greeks and Romans; — of the Oriental nations, including Turkey, Georgia, Arabia, the Jews, Persia, and China; — one work on the literature of the African Race; and several on that of important religious orders, as the Benedictines, Jesuits, Franciscans, Carmelites, and Theatines.]

I come now to a class of bibliographical works which is perhaps the most practically useful of all, namely, those which relate to *special departments of science or literature.* The following are some of the numerous works of this class, which would greatly enrich the Library.

[Here we have the titles of more than seventy works, in over two hundred and twenty volumes, relating to Transactions of Learned Societies, Periodical Literature, Mediæval Writers in Latin, Philosophy, Theology, Jurisprudence, Politics, Trade, Freemasonry, Medicine, Mathematics, Natural History, Agriculture, Domestic Economy, Mechanics and

Engineering, the Art of War, Geography, History, Biography, Genealogy and Heraldry, Numismatics, Philology, Belles-Lettres and the Fine Arts, Architecture, Music, Poetry, the Drama, Proverbs, and Letter-Writing.]

We are almost entirely destitute of works on *the practical management of libraries, the classification of books*, etc., of which I will mention only two or three as a specimen. . . . . We are also very poor in books on *the history and statistics of libraries*. . . . . [Here follow the titles of a number of volumes on these subjects.]

There are many printed *catalogues of private libraries* which are of great bibliographical value; particularly those which have been formed by scholars or amateurs devoting themselves to the collection of books in a particular department. I may name, merely as illustrations, those of the libraries of the Count Cicognara, 2 vols. 8°; Crevenna, 6 vols. 4°; Heber, 13 vols. 8°; Pinelli, 6 vols. 8°; Silvestre de Sacy, 3 vols. 8°; and the Catalogus Bibliothecæ Bunavianæ, by Francke, a classed catalogue in 7 vols. 4°, which Ebert pronounces "an unrivalled masterpiece." For a copious list of works of this class, one may see the "Alphabetical Index to the Astor Library," or Dibdin's Bibliomania. We have very few of those there named. Especially valuable is the Catalogue of the Grenville Library, presented to the British Museum, 2 parts in 3 vols. 1842–48, 8°. This contains a great amount of information respecting rare and important books, including many which relate to America.

Among the catalogues of *public libraries* which are highly desirable, I would mention that of the Bibliothèque Impériale at Paris, now publishing under the auspices of the Emperor Napoleon III., four volumes of which have already appeared; — that of the City of Bordeaux, 7 vols., Paris, 1830–51, 8°; — the "Catalogue de la Bibliothèque Cantonale Vaudoise," at Lausanne, in 7 vols. 8°, 1854–56, a classed catalogue, with

Index; — "Catalogue méthodique de la Bibliothèque publique d'Anvers," by H. Mertens, 2 vol. Anvers, 1843–46, 8°; — the Catalogue of the Scientific Books in the Library of the Royal Society of London (by A. Panizzi), 1839, 8°; — the Catalogue of the Library of the Writers to the Signet, at Edinburgh, an excellent classed catalogue; — and the Catalogue of the Library of the U. S. Military Academy, at West Point, New York, 1853, 8°. We should also have the Catalogue of the Printed Books and MSS. bequeathed by F. Douce, Esq. to the Bodleian Library, Oxford, 1840, fol., and the "Catalogus Bibliothecæ Casanatensis," 4 tom., Rom. 1761–88, fol., by the celebrated Audiffredi, and regarded, according to Brunet, as "un chef-d'œuvre bibliographique."

But I must stop, though I have no hope of giving you any adequate conception of the poverty of the Library in this department. I have aimed only to mention some of the more important books of various classes which are needed as tools to work with; which we need in order to take the first steps toward a thorough investigation of the subjects to which they relate. Most of the books enumerated belong to other classes as much as to bibliography. The "Bibliographia Zoölogiæ et Geologiæ" of Agassiz is one of the most important books to a zoölogist or a geologist. A similar remark applies to other special bibliographies. A considerable number of the books which I have included under the head of National Bibliography are also biographical; and all of them are important in an historical point of view. No one understands the history of a nation who is not acquainted with the history of its literature.

I can form no estimate, without special calculations which I have not now time to make, of the sum which is needed to supply the most pressing wants of this department. I should say that a thousand dollars, judiciously expended, would place it on a pretty good foundation; though I suppose it would then be very far inferior to the collection in the Astor Library.

Perhaps three hundred dollars a year would be sufficient to procure the important new publications, including periodical bibliography, and would enable us to supply gradually other deficiencies. Some classes of books which belong here I have not mentioned at all, as the catalogues of manuscripts in public libraries, which may be of great importance in historical inquiries.

I intended to speak of the appalling gaps in some other departments; especially in books of reference, such as are wanted by everybody who uses the Library, — gazetteers, atlases ancient and modern, dictionaries of various kinds, encyclopædias; in biography, travels, theology, and works on the fine and useful arts. But I forbear; partly for want of time, and partly because your patience must be already exhausted. I may perhaps submit a brief statement in respect to these on some future occasion.

Very respectfully,

EZRA ABBOT, Jr.

Harvard College Library, June 14th, 1858.

Mr. Abbot's statement has been necessarily very much condensed, as to a less extent have been the statements of some of the Professors. His letter, as received by the Committee, contains the catalogue titles of more than two hundred and fifty works in over seven hundred volumes, given as but *a portion* of the *more important* deficiencies of the Library in the bibliographical department alone; not only showing the great extent of that department of literature, — an extent surprising to those not familiar with the subject, — but also revealing the lamentable condition of the Library, when so many

hundreds of volumes of intrinsic value are wanting in but one of its many subdivisions.

It ought, perhaps, to have been mentioned by the Committee, that, owing to the liberal bequest of the late James Brown, Esq., the department of Natural History is at the present time tolerably well provided for; but as Mr. Brown's donation is not for investment, but for immediate expenditure, some further provision will soon be needed even for this department.

LETTER

OF THE

LIBRARIAN OF HARVARD COLLEGE,

TO

THE COMMITTEE

OF THE

ASSOCIATION OF THE ALUMNI

APPOINTED TO TAKE INTO CONSIDERATION

THE STATE OF THE COLLEGE LIBRARY,

IN ACCORDANCE WITH A VOTE OF THE ASSOCIATION PASSED AT THE ANNUAL MEETING,

JULY 16, 1857.

CAMBRIDGE:
METCALF AND COMPANY,
PRINTERS TO THE UNIVERSITY.
1859.

Donations of books, pamphlets, or manuscripts for the public library of Harvard College, may be sent directly to the library, or may be left with either of the following gentlemen: —

Rev. Dr. Samuel Osgood,
154, West Eleventh St.,
New York.

Dr. Henry Wheatland,
21, Chestnut St.,
Salem.

Malcolm Maceuen, Esq.,
619, Walnut St.,
Philadelphia.

Rev. John Weiss,
9, Eighth St.,
New Bedford.

Nathaniel H. Morison, Esq.,
98, Madison St.,
Baltimore.

John D. Washburn, Esq.,
6, Brinley Hall, Main St.,
Worcester.

Rev. Moncure D. Conway,
114, Hopkins St.,
Cincinnati.

Osmond Tiffany, Esq.,
Maple St., opposite Central St.,
Springfield.

Henry G. Denny, Esq.
42, Court St.,
Boston.

Parcels for the library may also be left with F. W. Christern, 763, Broadway, New York, or at the office of Buck's Cambridge Express, 8, Court St., Boston.

LETTER.

Harvard College Library,
Cambridge, Mass., June 7th, 1858.

Hon. Thomas G. Cary.

Dear Sir: —

As several of the college officers will probably send you details in relation to the wants of their respective departments, it may not be necessary for me to do more than make general statements. . . . . The reputation of the college and of the country, and the good of the community, appeal powerfully to the friends of the university to furnish at least the materials and tools for making the standard of education the highest and best on the continent. . . . . To meet . . . . . [the pressing demands upon the library of the college for the moral and intellectual culture of more than seven hundred students from all parts of the country, who are constantly going forth to take prominent positions in society,] the first object should be to provide, as far as practicable, the modern works in the different departments, as fast as they are published. And with nothing less than this ought the friends of the college to rest satisfied.

If it were possible, it would be desirable to go further. Various departments are deficient in rare old books and pamphlets, which are as important to thorough students as the modern. The library is not more used for reading than it is for literary, genealogical, historical, statistical, philological, philosophical, scientific, and other investigations. It is the

reservoir from which all minds at the university are mainly to be supplied. No limits can be set to its wants, as may sometimes be done with libraries got up for specific purposes. The field of intellectual labor is now so broad, and so carefully and extensively cultivated, that applications are made, not only by the officers and students, but by men of eminent literary attainments, for books, pamphlets, and papers, which by a superficial, one-sided inquirer would be considered worthless. Books which are seldom read are wanted to verify quotations. Biographers and historians ask for ephemeral pamphlets, newspapers, manuscript diaries and letters, relating to the times and persons of which they write. Macaulay cites old almanacs. Some American Hallam or Sismondi will want to examine the school-books of the last and present centuries, to obtain a general idea of their character and of the early education of the country. And where is a collection to be found? Nowhere. They have not been considered worth saving.

The student of mental and ethical philosophy, and the writer of the civil and ecclesiastical history of the country, want the newspapers and books issued by the different religious denominations, from the strong works of Edwards, down to the little Sunday-school primer and the catechism, which are implanting in the child's mind principles by which he will be governed when he becomes a man. The destruction of papers and pamphlets has been so great, and books are so scarce, that it has been said there are not, either in America or Europe, materials for writing a history of the New England Primer, — a little book which has exerted an inconceivable influence on the religious opinions and character, and remotely on the welfare and condition, of the nation. I think it doubtful if there is in existence even one copy of any of the very early editions.

Junk-dealers in the city, and tinmen in the country, collect wagon-loads of dead stock, old books, pamphlets, and papers, among which must be many of great rarity and value, and

sell them for a cent or two a pound to paper-makers, to be ground over and converted into paper-hangings. About a year ago I saw in Washington Street, in Boston, three large wagons, nearly filled with huge bags, just leaving a very humble auction-room; and from a few pamphlets which a man was stuffing into the last bag, I rescued one which for nearly eleven years I had been trying to find, to assist me in completing the volumes of a valuable periodical.

I have known a journey to be made from New York to Cambridge, in a storm in January, mainly for the purpose of consulting an old funeral sermon, of which another copy could not be found in the country. It had probably never before been asked for during the generations since it came to the library; but it was now wanted in a law case involving nearly half a million of dollars. How many would think a funeral sermon worth sending to the library of Harvard College?

From a remote part of Maine, journeys were repeatedly made to this vicinity for information respecting land claims and mill-privileges, and the parties found at last, by means of an old Boston Directory to which I called their attention, that for years they had probably been pursuing their inquiries on one of the most important points in the wrong direction. And yet the question is often asked, "Of what use is an old Boston Directory?"

A family in a neighboring city, on vacating a house, sent a valuable donation; but from an apprehension that a thorough gleaning had not been made, a messenger was despatched to the place, and he found in the barn, among papers which had been thrown there as worthless, several of the old, scarce Acts and Resolves of the state, other valuable documents, and a small unbound volume, of which fruitless efforts had been made to obtain a copy for the library.

From a closet where they had probably remained nearly a century, we recently received tolerably complete files of the Boston News Letter and of the Evening Post for the years

1742, 1743, and 1744, which contain a large amount of important information, nowhere else to be had, respecting Whitefield and the great revival, and the circumstances connected with the publication and statements of Prince's Christian History.

In a neat butter-firkin of literary remnants sent to the library at my special request, I found pamphlets, odd numbers of periodicals, enabling me to complete imperfect volumes, and a file of newspapers which made a perfect copy of the first volume of the Boston Gazette, beginning in the year 1755, an important period in the history of the American colonies.

More than once old barrels have been sent to the library, and though in some instances mice had been feasting on the literary treasures, and running riot among them, I always found something that was desirable.

I might multiply cases to show the value of what is commonly considered worthless, and to call your attention to the vast number and variety of the applications from officers and students, and from others who are drawn to the library by its reputation and their necessities. . . . . But on this point I may have already become tedious.

I think it would be well if it were generally known that there was never anything printed of which we should not be grateful for one copy. There are hundreds of persons who would be glad to get rid of what they call trash and rubbish. They would make not only their book-shelves, but their garrets, closets, old chests, trunks, and barrels empty their almanacs, sermons, newspapers, directories, reports, old books, manuscript letters and diaries, and pamphlets of every kind, into the lap of our Alma Mater. Among them we should find much that is valuable. Possibly we might get some things, of which not a copy is now known to be in existence. Authors, desirous of having their works accessible to the public, and preserved where they will be likely to be looked for and found by posterity, might be inclined to put in the

library a copy of each of their publications. Booksellers would find it for their interest to place here whatever they may print, for there are hundreds of readers to appreciate it and make it known. There are many instances where persons have bought for their own libraries, and for presentation to friends, books of which they obtained their first knowledge from the copies given to the college library. Many graduates might be prompted to give copies of all their writings, and, like the late Hon. Judge John Davis, also to make it a rule to send at least one good book to the library every year. If this were generally done by the alumni, with permission from the givers to exchange the duplicates, it would lead to important annual accessions. There may be persons interested in particular studies or pursuits, as poetry, political economy, ethics, American history, the drama, numismatics, Shakespeare, Milton, the reports and acts of some society or corporation, spiritualism, Mormonism, particular classes of sermons, of orations, of speeches, of periodicals, the Texan war, the Kansas difficulties, the reforms of the day, &c., &c., to whom it would be a pleasure to make the collections in their favorite departments as complete as possible, and place them where they would be minutely catalogued and carefully preserved. It is not incredible that some person of wealth, having a desire to contribute liberally to an important object, would bring a princely fortune to bear on the intellectual wants of the country, and, instead of rearing a pile of stones and mortar, which must sooner or later crumble down and disappear, would give a permanent fund, which for hundreds, and possibly for thousands of years, would be yielding an income that, as often as books were bought with it, would call to mind the wisdom which made so useful a disposition of wealth. In time the greater part of the volumes in the library would bear the benefactor's name in the shield of the seal. His memory would be called up perpetually and held in honor by the thousands who graduate, and by the scholars who from all parts of the country would be

obliged to resort to the literary treasures which his bounty had been the means of amassing, and which would give to the library celebrity, and make it a beacon to all literary and scientific men on the continent.

I might extend my remarks to other important topics. There is so much to be said, that it is difficult to determine where to begin and when to end. I would not overlook the enlightened munificence which has from time to time placed in our alcoves very rare and costly books and collections. There is an excellent foundation to build upon; but unless new works are added, the library, however valuable in any past time, must cease to command respect, and to exert the influence which it ought upon the university and the country. If the views which I have advanced exceed what by some persons are considered reasonable anticipations, I hope no one will be deterred from contributing whatever his inclinations and abilities may prompt, however small it may be, and however unimportant it may seem, remembering that not a book or pamphlet has ever been printed, of which it is not desirable to have one copy in the library.

I have the honor to be, respectfully, yours,

JOHN LANGDON SIBLEY, *Librarian.*

REPORT

OF THE

COMMITTEE OF THE OVERSEERS

OF

HARVARD COLLEGE,

APPOINTED TO VISIT THE LIBRARY.

FOR THE YEAR 1859.

SUBMITTED JANUARY 26, 1860.

BOSTON:
PRINTED BY GEO. C. RAND & AVERY.
1860.

In Board of Overseers of Harvard College,
January 26, 1860.

Ordered, That the Report of the Committee appointed to visit the Library be accepted; and that the same be printed for the use of the Board.

Attest,

NATHANIEL B. SHURTLEFF,

Secretary.

COMMITTEE FOR VISITING THE LIBRARY, &c.

HON. EMORY WASHBURN, LL.D.
WINSLOW LEWIS, M.D.
ABNER J. PHIPPS, ESQ.
JOEL HAYDEN, ESQ.
J. G. WHITTIER, ESQ.
ALFRED HITCHCOCK, M.D.
REV. P. B. HAUGHWAUT,
REV. WM. JENKS, D.D.
CHARLES FOLSOM, ESQ.
GEORGE LIVERMORE, ESQ.
SAMUEL F. HAVEN, ESQ.
CHARLES DEANE, ESQ.
WILLIAM GRAY, ESQ.
THEODORE R. JENCKS, ESQ.

HON. JOSEPH T. BUCKINGHAM,
HON. WILLIAM T. DAVIS,
GEORGE D. WELLS, ESQ.
REV. JOHN P. CLEAVELAND, D.D.
REV. RICHARD M. HODGES,
ELIJAH B. STODDARD, ESQ.
HON. GEO. M. BROOKS,
HENRY A. WHITNEY, ESQ.
WILLIAM F. POOLE, ESQ.
HENRY G. DENNY, ESQ.
SAMUEL A. GREEN, M.D.
J. WINGATE THORNTON, ESQ.
EDWARD JARVIS, M.D.

REPORT.

At the annual meeting of the Board of Overseers of Harvard College, held in the Senate Chamber, in Boston, on the 26th day of January, 1860, His Excellency the Governor of the Commonwealth presiding, the following Report was submitted by the Hon. Emory Washburn, Chairman of the Committee appointed to visit the Library.

THE COMMITTEE APPOINTED BY THE BOARD OF OVERSEERS OF HARVARD COLLEGE TO VISIT THE LIBRARY, &C., IN THE YEAR 1859, RESPECTFULLY BEG LEAVE TO REPORT, AS FOLLOWS:

The Committee assembled in Gore Hall on Friday the 15th of July last, a majority being in attendance, and proceeded first, by sub-committees, to examine the Public Library in that building, the Library of the Divinity School, and the Law Library. They afterwards inspected the Philosophical Apparatus in University Hall, the Cabinet of Minerals and that of Comparative Anatomy in Boylston Hall, and the repository of Portraits in Harvard Hall.

Important as are all the parts of this extensive and various outward apparatus of learning, the present condition of which the Committee were appointed to ascertain on the part of the Overseers,

the chief interest centres in the priceless collection in Gore Hall, the general Library of the University. The earliest library in the country, coeval with the Commonwealth, and as yet hardly surpassed in size by any other in the United States, it consecrates the University to the cause of learning beyond all other influences. It is the most valuable of her outward possessions, and the immediate nutriment of her inward life. All other influences are affected by this, the sun of the system. The increase of the Library, and the extent to which it is actually used, furnish the best index of the quality and degree of culture which the University affords in all its departments. With great satisfaction, therefore, the Committee report that they have found it this year, as to its condition and its prospects, flourishing to a degree probably unprecedented.

The examination was pursued in the usual way, by the tentative process of comparing the carefully prepared alcove catalogues with the books on the shelves, in numerous places, taken at random, throughout the whole extent of the library; and by personal inquiries of the Librarian, as these were suggested by what fell under the notice of the Committee. The Librarian presented an elaborate written report, exhibiting a detailed history of the growth of the Library, and the operations of its officers, during the past year. From this it appears that the accessions have amounted to 3,852 volumes, 4,771 pamphlets, 80 maps, and 20 engravings. Of the volumes, full four-fifths were gifts, viz. 3,101,

and, with a trifling exception, all the pamphlets, maps, and engravings. These gifts came from nearly five hundred different sources, private individuals and public bodies, at home and abroad. Not the least gratifying fact in relation to these gifts is the generous persistence of some of the principal donors in their endeavors to build up the Library by a zealous gathering of books from year to year with that express object, at an expense of money, time, and intelligent care.

Seven hundred and fifty-one volumes have been purchased during the year; more than twice as many as were bought the year before; — and this, though the late munificent donation of Mr. William Gray (of $5,000 a year for five years), the "wise and liberal" fund (of $5,000) established by Mr. Stephen Salisbury, for supplying the Greek and Latin departments, and the fund (of the same amount) bequeathed by the late Thomas W. Ward, have hardly yet begun to produce their first fruits.

When another year shall exhibit the effects of these separate and unsolicited bounties in beginning to expand the Library in those departments in which it is now most deficient, it is hoped that this may only give a new impulse to the organized joint effort of the Association of Alumni to carry forward the great work, and plant our Library in line with the more considerable academic libraries in Europe. If the increasing apparatus of natural science in the University may, as some suppose, hereafter win to Cambridge students from beyond the Atlantic, it is reasonable to hope that the literary and scientific

apparatus of books, the attainment of which now seems to be within reach, will draw from the remotest parts of our own country an unprecedented number, not only of students in direct relation with the schools of the University, but of studious persons who are devoted to literature and science for their own gratification or for the benefit of the public; and that to the site where liberal studies were first inaugurated in this country, not only will youth resort for the benefit of culture, but also cultured minds, bent on authorship, will come for learned research, to find here the means of adding to their intellectual power a solid erudition, the want of which has been the greatest deficiency hitherto in American literature and science.

Among the more noticeable donations of books during the year, the Committee would specify the following, in the order of the time of their reception.

The Alford Professor, about to visit Europe, was authorized by Mr. Thomas Lee to supply at his expense the more pressing wants of the Library in the department of Natural Religion, Moral Philosophy, and Civil Polity. Accordingly, 249 volumes have been procured, for which were expended $350, a sum limited, it is believed, only by the discretion or the delicacy of the Professor. This donation is gratefully brought to notice here, as it is liable to be overlooked among the recent large endowments of several other departments of the University by the same gentleman.*

* It is proper to state, that since the visitation of the Library, Mr. Lee has also paid over to the Treasurer two thousand dollars towards the fund now raising by subscription, for the increase of the Library.

The late Dr. Bowditch, in his will, directed that the original Manuscript of his Commented Translation of La Place's "Mécanique Céleste," in four beautifully written quarto volumes, should ultimately be placed in the Library as a personal token of regard for the University, which honored him early by adopting him among her sons. Never was an honor reflected back with more increase. This memorial has now reached its destination; and, though concerned with the highest mathematics, it takes its place among the *moral* treasures of the Library, to inspirit, as it will, many an ingenuous candidate for scientific eminence.

By a bequest of the late William H. Prescott, the entire collection of manuscripts and printed books, which, at great expense and by diligent search in Europe for years, he had made for the preparation of his "History of Ferdinand and Isabella," has been transferred to Gore Hall. The whole number of volumes is 282, many of which are folios; and the manuscripts are bound in five thick volumes of that size. The rarity and costliness of many of these books, and the completeness of the collection in relation to the subject, make it a most valuable literary acquisition; while a pleasing moral interest invests it as an affectionate and grateful tribute to his Alma Mater of the weapons, as it were, with which he won his first laurels in the field of History, and at once placed his name among the highest in the republic of letters. The emulous young man, preparing himself to write History, will find no better discipline than tracing him through his

authorities, as he can now easily do, weighing anew their testimony, and rejudging his judgments.

For other donations only less important than those above enumerated, the Committee would refer to the Librarian's Report, which is hereto annexed as a part of their own.

The number of volumes missing from the shelves this year is 26; and 9, formerly missing, have been restored. 741 volumes have been bound, and 42 repaired.

Since the Library consists of four classes of documents, which are fitly kept together as mutually illustrating each other, viz., Printed Books and Manuscripts, Maps and Charts, Engravings, and Coins and Medals, the Committee would recommend that regard should be had to a regular and systematic increase of them all. Books are specifically provided for, and the liberal donor of the great collection of Engravings has wisely bestowed with it the means of increasing it. But the increase of the Maps and Charts, which have a more intimate connection with books, seems not to have had its fair share of attention since the reception of the great collection of Professor Ebeling forty years ago. The possession of such a collection, which was gradually amassed by him during a long life, would seem to carry with it the obligation to second his labors in some degree, especially as to Maps of our own country published since his death, which, had he lived till now, would have been the first to find their way to his library in Hamburg. It is supposed that most American maps published any-

where by authority might be procured by asking, sepecially for the completion of a collection already proved to be of high national importance.

The small but interesting collection of Coins and Medals has been intelligently catalogued by Mr. William E. Lamb, a recent graduate, and arranged by him in a beautiful cabinet, furnished at his own expense, and contrived at once for their preservation and convenient exhibition. A beginning seems thus to be made of a movement in the right direction; and it is understood that it is likely, with proper encouragement from the University, to issue in a large increase of the collection from private cabinets.

The Committee would close their Report, by recognizing the fidelity and ability with which the officers of the Library continue to discharge their arduous duties under great disadvantages for want of adequate room and of a sufficient number of persons to meet the fair demands on the time and attention of those who are set to serve so large a library. But its expected rapid increase will necessarily bring them relief by an enlargement of both room and attendance; so that then the study will be, how to multiply readers in the Library by every inviting appliance consistent with the safety and good order of the books, its present value will be measured by the numbers that daily frequent it for information, and, when they are few or none, it will be considered to have lost a day.

For the Committee,

CHARLES FOLSOM.

LIBRARIAN'S REPORT.

CAMBRIDGE, July 15, 1859.

GENTLEMEN OF THE COMMITTEE FOR THE
ANNUAL EXAMINATION OF THE LIBRARY:—

Since the last Annual Examination, 16th July, 1858, provision has been made by funds from the estate of the late Hon. Francis Calley Gray for a catalogue of his collection of engravings; and, after its completion, for occasional purchases. Mr. Louis Thies, whose peculiar qualifications for the work are well known, and who was very familiar with the collection in Mr. Gray's life-time, has been appointed to take charge of it, and has made some progress with the catalogue.

Mrs. Louisa Lee Waterhouse, of Cambridge, has given to the college J. A. Jackson's plaster bust of her husband, Benjamin Waterhouse, M.D., the first Professor of the Theory and Practice of Medicine in the University. A committee of the young men of Boston and the vicinity, who employed Edward A. Brackett to execute a marble bust of Charles Sumner, LL.D., sent it as a present to the Library, on the 28th of April, 1859. H. Powers's marble bust of Jared Sparks, LL.D., which was provided

for by the six classes of Students under his Presidency, was received 20th June, 1859.

Mr. William Eliot Lamb, from Boston, of the class of 1859, has carefully and scientifically arranged 750 coins and medals in a beautiful case, which he generously provided, and is now making a catalogue of them.* They include, besides smaller donations, those of Mrs. Nathaniel Appleton Haven, Jr., of Portsmouth, N. H., received 15th April, 1857; and those of a former librarian, James Winthrop, LL.D., of Cambridge, of the class of 1769, received 5th January, 1822. Among the rarest of them are the "Washington" half-dollar of 1792, given by the late Rev. Augustus Russell Pope of Somerville; the "N. E." shilling of 1652, which was the first coin struck in British America; several shillings, &c., of the "Pine-tree" currency; a Rial or Rose Noble, of the Reign of Edward IV., wearing an unchronicled Mint-mark; and the curious siege-piece of Newark. Reference to them is easy, as the alphabetical arrangement has been adopted throughout the classification. The case, which was made by John DeQuedville of Cambridge, is so constructed that the contents can be seen and studied without the risk of their being abstracted.

Within the past year, George Washington Wales, Esq., of Boston, has added to the Wales Library nine valuable volumes, including the very rare Sabda Kalpa Drùma or Sanskrit Encyclopædia of the Raja Radhakanta Deva; and the fifth and sixth volumes of Canina's Edifizj di Roma Antica, completing that

* This Catalogue has been completed.

magnificent work. The Rev. William Horton, D.D., of Newburyport, a graduate in 1824, has given to the college a complete set of the Episcopal Journals of Massachusetts. Besides duplicates, 33 volumes and 25 pamphlets have been received from the Rev. Oliver Capen Everett of Charlestown, of the class of 1832: 27 volumes and 24 pamphlets from the Rev. Caleb Davis Bradlee of North Cambridge, of the class of 1852: 24 volumes and 93 pamphlets from the Rev. Thomas Wentworth Higginson of Worcester, a graduate in 1841: 14 volumes and 16 pamphlets of the educational works of William Bentley Fowle of Roxbury, from the author: more than 250 pamphlets from the Rev. Joseph Allen, D.D., of the class of 1811, and Mr. George Barnes of Northborough: 18 volumes and 37 pamphlets from the Rev. Daniel Waldo Stevens of Mansfield, of the class of 1846: a valuable collection of works on Music, from Messrs. Russell and Tolman of Boston: 13 volumes from Frank Humphrey Storer of Boston, a graduate of the Lawrence Scientific School in 1855: Burnett's Telluris Theoria Sacra, First Records of American Colonies, Dunlap's American Daily Advertiser for 1793, Theses, &c., from J. Wingate Thornton, Esq., of Boston: The Diary of Washington, (Oct. 1, 1789, to March 10, 1790,) from Henry B. Dawson, Esq., of White Plains, N. Y.: 12 volumes from the Rev. William Silsbee of Northampton, of the class of 1832: 17 volumes from Henry T. Duncan of Louisville, Ky., of the class of 1859; and 46 maps of counties and towns from H. F. Walling of New York, N. Y. The Hon. John A.

Dix of New York, has given 5 volumes, 413 pamphlets, 3 maps, one manuscript, and a Proclamation by Governor Bernard, with a characteristic memorandum on it, in the handwriting of the Rev. Jonas Clark, the patriotic minister of Lexington.

William Wells of Cambridge, who graduated 63 years ago, has given a handsomely bound set of Cuvier's Animal Kingdom, in 16 volumes.

Charles Eliot Norton of Cambridge, of the class of 1846, has given 16 pamphlets and 25 volumes, including eight volumes of the "Chronicles and Memorials of Great Britain and Ireland during the Middle Ages," and proposes to add the others now in the course of publication.

The Rev. William Allen, D.D., of Northampton, of the class of 1802, has presented a book entitled "The Method of Grace in the Justification of Sinners," &c., written by Benjamin Woodbridge, whose name stands first in the first class which graduated at Harvard University. He was settled as successor to Dr. Twisse at Newbury, England, and died in 1684.

From the Harvard Club in Boston, which has become extinct, have been received various newspapers and the records of the Club.

The Hon. George Stillman Hillard, LL.D., of Boston, of the class of 1828, has sent 23 volumes, carrying out very liberally his purpose of giving to the Library at least one good volume every year.

Several volumes, 78 pamphlets, and 25 maps have been received from the Merchants' Insurance Company, Boston; numerous volumes of the Con-

gressional Globe and Congressional documents from Theodore Lyman, of the class of 1855; a large and important collection of volumes and pamphlets from the Hon. Henry Wilson, of Natick, United States Senator, who has always courteously and promptly attended to communications and to the wants of the Library; 23 volumes from Prof. Francis Bowen, a graduate in 1833; 30 volumes, including all that have been published of the New American Cyclopædia, from Prof. James Russell Lowell, of the class of 1838; 29 volumes, including several bound volumes of newspapers and the "Œuvres choisies du Roi René," the incomparable French miniature-painter, from Winslow Lewis, M.D., of Boston, a graduate in 1819, whose gifts every year express his continued interest in the Library; several volumes from Prof. Henry Warren Torrey, and through him 26 volumes from his class, which graduated in 1833; 21 volumes from Zabdiel Boylston Adams, M.D., of Boston; a large collection of volumes and pamphlets from Henry Melville Parker, Esq., of Cambridge, of the class of 1839, and another of about 20 volumes and more than 100 pamphlets from James Earle Butts, Jr., of Watertown; 48 volumes from Henry Austin Whitney, of Boston, a graduate in 1846; 44 from Prof. Cornelius Conway Felton, of the class of 1827; 50 from George Adam Schmitt, Instructor in German; 71 volumes and 33 pamphlets from Nathaniel Leech Hooper, of Boston, of the class of 1846; 150 volumes from Gideon M. Davison, of Saratoga Springs, N. Y.; several from ex-Presidents Josiah Quincy, Edward Everett, and Jared Sparks; 170

volumes, 180 pamphlets, and two maps from President Walker; and 249 volumes on Ethics and Political Economy, generously paid for by Thomas Lee, Esq., of Brookline.

Mrs. Abby Wheaton Little, of Cambridge, has presented the "Mémoires et Correspondance Politique et Militaire du Roi Joseph," in 10 volumes. Mrs. Lucy A. Pope, of Cambridge, widow of the late Rev. Augustus Russell Pope, of Somerville, of the class of 1839, has given 66 volumes and 268 pamphlets, several of them scarce and relating to the subject of education. Miss Jane Russell Sever, of Kingston, has sent a very large collection of uncommonly complete files of newspapers. Mrs. Louisa Lee Waterhouse, of Cambridge, has given 60 volumes, many of which are particularly valuable from their connection with the introduction of vaccination into this country by her late husband, Prof. Benjamin Waterhouse.

Prof. Edward Tuckerman, of Amherst College, a graduate at Harvard in 1847, has given the 5th Fasciculus of his Lichenes Americæ Septentrionalis, beautifully prepared with great labor.

Thomas J. Whittemore, Esq., of Cambridge, has generously made an index in manuscript of Kiener's "Spécies Général et Iconographie des Coquilles Vivantes."

Important services and gifts have been received from William F. Goodwin, Esq., of Concord, N. H., Winthrop Sargent, Esq., of Philadelphia, Penn., William Muhlenberg Hiester, Esq., of Harrisburg, Penn., William T. Coggeshall, Esq., of Columbus, Ohio, the

Librarian of the Tennessee State Library, the Rev. E. H. Downing of Kirkwood, Miss., and others.

Joshua Pollard Blanchard, of Boston, has given a collection of books, pamphlets, and maps, which, as a zealous advocate of temperance, anti-slavery, peace, and other philanthropic and social movements, he had for many years been accumulating by purchase and through the generosity of sympathizing friends in Europe and America.

Capt. Charles Henry Davis, of the United States Navy, a resident in Cambridge, has presented four volumes and 46 pamphlets, relating chiefly to the Hawaiian Islands and language. Many of them could not have been procured but through his official position and a continual vigilance for the interests of the Library during a residence of several months in the Pacific.

Mr. Emil Christian Hammer, of Boston, Vice-Consul of Denmark for the State of Massachusetts, a brother-in-law of a missionary to Greenland, has given nine books, which, with a few volumes previously in the Library, are said to be all that have been published in the Greenlandish or Esquimaux language.

John Joseph May, Esq., of Dorchester, has presented 150 volumes from his private library. They are an uncommonly choice collection, indicating excellent judgment, intellectual culture, and good taste in the selection.

Samuel Abbott Green, M.D., of Boston, of the class of 1851, whose zeal for the Library never tires, besides persuading collectors of pamphlets and peri-

odicals to send them, has given 53 volumes and more than 750 pamphlets, in addition to maps and engravings.

The largest number of volumes from any individual is 311, given by Henry Gardner Denny, Esq., of Boston, of the class of 1852, who was also the largest contributor last year.

Probably no other publishing house, since the foundation of the College, has given so many volumes to the Library as have been received from Messrs. Ticknor & Fields, of Boston. Since the last annual examination they have sent their publications, which are always eagerly sought for and constantly in circulation.

In accordance with the terms of the will of the late Nathaniel Bowditch, LL.D., of Boston, his children have sent to the Library the four original manuscript volumes of his Translation of La Place's Mécanique Céleste, which they were authorized to retain as a part of the "Bowditch Library," till it was given to the City of Boston.

A bequest of the late William Hickling Prescott, LL.D., of the class of 1814, adds new obligations to a family already known for its liberality to the Library, and its valuable services to the University and to the country. On the 29th of January, 1848, Mr. Prescott made a catalogue of books, and with his own hand wrote on it:—"To go to the *Library of Harvard College* after my death." More than eleven years afterward, on the 3d of June last, all these volumes, with the exception of five which could not be found, were receipted for and trans-

ferred to Gore Hall. They are 282 in number. They comprise five large volumes of manuscripts, and constitute all that portion of his library which related exclusively to the Reign of Ferdinand and Isabella. On this subject it is undoubtedly the best collection in the world. Mr. Prescott's History of the Reign contains full bibliographical notices of a great part of the volumes. For ten years without being able to read them, he was cheerfully examining and digesting their contents by means of others' eyes, till with diffidence he finally brought out his first work on history, at once took a prominent position in the literary world, and laid a foundation for an extended knowledge of those beautiful qualities of mind and heart, which made every intimate friend respect him and love him as a brother.

Thomas B. Akins, Esq., of Halifax, N. S., the Rev. Peter McIntyre, of Prince Edward Island, the Hon. George Coles, Colonial Secretary of Prince Edward Island, and L. C. Jenkins, Esq., the Librarian; the Hon. Thomas C. Aylwin, of the Queen's Bench in Canada; and the honorable gentlemen connected with the governments of her Majesty's North American Colonies, have manifested a very gratifying interest in the Library of Harvard College, and have made important contributions of books, pamphlets, and maps, which in many cases it would have been difficult if not impossible to obtain but through their courtesy and generosity.

Important gifts have been received from the Rev. Henry M. Harvard, of Liverpool, England; Archbishop Whately, of Dublin, Ireland; and the Royal Geological Society of Vienna. By authority

of the Right Honorable the Secretary of State, for War, Lt. Col. Henry James, of the Royal Engineers and Superintendent of the Ordnance Survey of Great Britain and Ireland, has transmitted an Account of the Observations and Calculations of the Principal Triangulation, drawn up under his direction by Captain Alexander Ross Clarke. The Council of the Royal College of Surgeons at London have presented thirteen very valuable Descriptive and Illustrated Catalogues of various Pathological specimens, Fossil Organic Remains, and other valuable objects contained in their Museum.

Documents have been received from several of the States in the Union. Nearly all the Societies, Institutions, and Proprietors and Editors of the periodicals and newspapers, which were specified in the last Annual Report, have continued to send their publications. The gifts have been thankfully received, carefully preserved, and bound when volumes were completed.

Edward Blake, Esq., of Boston, a graduate in 1824, has given, in a rich frame, the original commission, signed by George Washington as President of the United States, authorizing Christopher Gore, by whose munificence this building for a library was erected, to act as Commissioner under Jay's Treaty.

The donations have come from so many sources that I cannot describe all of them with minuteness, and must refer you to the list of donors which I subjoin to this Report.

The Library Committee of the Association of the Alumni has organized a system of operations

which is going into effect, through the exertions of the late Chairman, the lamented Thomas Greaves Cary, and the indefatigable industry and zeal of Henry Gardner Denny, Esq., the Secretary.

The additions to the Public Library in Gore Hall during the year have been 3852 volumes and 4771 pamphlets, besides various periodicals, duplicates, newspapers, and unimportant sale catalogues. Of the volumes, 3101, and of the pamphlets, 4691 are gifts. In addition to about 20 engravings, nearly 140 maps have been given, and as 60 of them were in cases, or bound, and placed with books on the shelves, they have been counted as volumes.

Seven hundred and forty-one volumes have been bound and forty-two repaired.

Twenty-six volumes have disappeared and nine have been recovered.

The books in Gore Hall have been carefully counted. The estimate has commonly been rather too small. Besides nearly 50,000 pamphlets, the Public Library now contains 83,000 volumes, and, with what are contained in the other libraries, makes a collection of more than 128,000 volumes belonging to the University.

Six hundred and fifty feet of movable shelves, on an improved plan, have been put up ; and a principle for dividing the alcoves has been adopted, and carried out in the 8th alcove, which will nearly double the capacity of at least twelve of the alcoves on the lower floor.

The additions to the Library have been pressed forward as fast as possible through the processes of identifying, collating, cataloguing, classifying, re-

cording, inserting seals, distributing, locating on the shelves, &c. The labor in every department has been oppressively great. In addition to the occasional services of one of the undergraduates, a clerk has been employed during a great part of the year, and two young women since the early part of April. With the exception of the Prescott Bequest, all the accessions during the year have been catalogued. Nearly all of the volumes have been placed on the shelves, and most of the pamphlets distributed. This work of cataloguing, classification, and arrangement has been performed by Mr. Abbot, who has special charge of this department, or under his supervision, and his labors have been greatly increased of late by the necessity of his devoting a large amount of time to the preparation of lists of books to be bought. Thomas J. Kiernan, the Janitor, has faithfully, zealously, and efficiently coöperated, wherever his services were wanted. More assistance will be indispensable. The duties and details are fast increasing with the growth and usefulness of the Library. There is a great increase of visitors, who come from curiosity, and of scholars, who come to investigate subjects. Within three years the amount of labor at the charging-desk has doubled. In the course of the past year I have written, including 447 acknowledgments, about 1000 official letters.

Much of the labor, too, has been performed under disadvantages. There is not in Gore Hall a room which is not used as an alcove. Besides the reading room and the area in the large part of the building, five of the alcoves, four of them on the

lower floor, are almost constantly used for work, which ought to be done without molestation or interruption in private rooms. There is not a room in the building to which the Librarian can retire for a few minutes with a friend or Committee for consultation, or where he can leave bills, papers, or unfinished letters, without the possibility of their being disturbed.

But the extremely gratifying announcements, which have already been officially laid before the public, of the bequest of the late Thomas Wren Ward; of the generous provision of the Hon. Stephen Salisbury, of Worcester, of the class of 1817, for the purchase of Latin and Greek classics, and of works to illustrate them; of the unprecedented liberality of Mr. William Gray, of Boston, of the class of 1829, in making provision for extensive additions during five years; the progress which has been made by the Committee of the Alumni appointed to solicit subscriptions; the fact that within a year about one in fifteen of all the living graduates, however remote, poor, or indifferent, has contributed something in the way of books or pamphlets directly to the Library itself; and the long list of donors appended to this report, — are agreeable testimonials to the extensive interest in the Institution, to a general satisfaction with the principles on which the Library has hitherto been conducted, and an earnest of what may be hoped or even expected hereafter.

Your obedient servant,

JOHN LANGDON SIBLEY,

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Spiritual Age,	Boston.
Sunday School Times,	Philadelphia, Pa.

The Librarian regrets that the preceding list is necessarily incomplete — many gifts having been received without any memorandum to designate the sources from which they were derived.

REPORT

OF THE

COMMITTEE OF THE OVERSEERS

OF

HARVARD COLLEGE

APPOINTED TO VISIT THE LIBRARY

FOR THE YEAR 1860.

SUBMITTED JANUARY 31, 1861.

BOSTON:
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1861.

In Board of Overseers of Harvard College,
January 31, 1861.

Ordered, That the Report of the Committee appointed to visit the Library be laid on the table, and printed for the use of the Board.

Attest,

NATHANIEL B. SHURTLEFF,
Secretary.

COMMITTEE FOR VISITING THE LIBRARY, &c.

HON. EMORY WASHBURN, LL.D.
J. G. WHITTIER, ESQ.
REV. P. B. HAUGHWAUT,
RICHARD S. SPOFFORD, M.D.
REV. WILLIAM JENKS, D.D.
CHARLES FOLSOM, ESQ.
GEORGE LIVERMORE, ESQ.
SAMUEL F. HAVEN, ESQ.
CHARLES DEANE, ESQ.
WILLIAM GRAY, ESQ.
FRANKLIN HAVEN, ESQ.
THEODORE R. JENCKS, ESQ.
HON. JOSEPH T. BUCKINGHAM,
HON. WILLIAM T. DAVIS,
HON. GEORGE D. WELLS,
REV. JOHN P. CLEAVELAND, D.D.
REV. RICHARD M. HODGES,
ELIJAH B. STODDARD, ESQ.
HENRY A. WHITNEY, ESQ.
WILLIAM F. POOLE, ESQ.
HENRY G. DENNY, ESQ.
SAMUEL A. GREEN, M.D.
J. WINGATE THORNTON, ESQ.
HON. HENRY K. OLIVER,
EDWARD JARVIS, M. D.
HON. DAVID K. HITCHCOCK,
WILLIAM D. TICKNOR, ESQ.
JAMES A. DIX, ESQ.
ISAAC C. TABER, ESQ.
JOSIAH BARTLETT, M. D.

REPORT.

At the annual meeting of the Board of Overseers of Harvard College, held in the Senate Chamber, in Boston, on the 31st day of January, 1861, His Excellency the Governor of the Commonwealth presiding, the following Report was submitted by the Hon. Emory Washburn, Chairman of the Committee appointed to visit the Library.

THE COMMITTEE APPOINTED BY THE BOARD OF OVERSEERS OF HARVARD COLLEGE TO VISIT THE LIBRARY, &C., IN THE YEAR 1860, RESPECTFULLY BEG LEAVE TO REPORT AS FOLLOWS:—

The Committee met in Gore Hall, Friday, July 13, sixteen members being present, and attended to the duties assigned them in the usual way. The Report of the Librarian was read to them, and is herewith transmitted to the Board. The Committee would make such comments only upon it as may tend to secure for it a general and careful perusal by the friends of the College. The Report very clearly shows that the rapid growth of the Library, for a few years past, has rendered the cares and labors of the Librarian and his assistants excessive and severe. They make no complaint, but the Committee earnestly call your attention to the fact that the work of the Library is fast "falling into arrears," and,

unless a more competent force is provided, will soon render "hurry, confusion, and mistake" inevitable. That our Librarian is a model in his profession, is too well known to need a new indorsement from the Committee. The Report further discloses the gratifying fact, that "over 8,500 volumes were added to the Library during the year, or more than double the number added in any other year since the College was founded." The number of volumes now in Gore Hall is over 90,000, and the number of unbound pamphlets not less than 50,000. The steadily increasing interest felt in the enlargement of the Library,—not by the Alumni alone, but by the friends of learning generally,—will soon constrain the Board to decide the question of larger and better accommodations. The Committee do not believe the Board will suffer "the beauty of the interior of Gore Hall to be marred," for the sake merely of a more economical arrangement; and yet the Committee respectfully submit that the alternative is, such alterations as would mar it incurably, or a new building with important improvements. The Board are altogether too enlightened a body to permit the liberality, which is now crowding the alcoves of Gore Hall with the intellectual treasures of every clime, to be checked by any action or inaction on their part. Nor will they need to be reminded by the Committee, that when any real want of the College is fully made known, it is sure to be supplied.

It is, indeed, doubted by some, whether it is right to stimulate the building up of so immense

a Library as that of Harvard College now bids fair, at no very distant day, to become. On this point, the Committee feel no hesitation. They believe that the University Library at Cambridge is destined to grow indefinitely. The number of donors the last year, who are sons of Harvard, is but one in twenty of the living alumni. When one half of them shall have adopted the plan of an annual or regular contribution, the other half will have a noble work to do in furnishing the needed accommodations. Would such a consummation be gratifying to men of enlarged views? Most assuredly. The purposes of a large accumulation of books are always twofold, — reading and reference. They hardly differ in importance. Books that are read are made by the aid of those which only book-makers ever open. The original record of a first truth may attract to it but a single devotee in a generation. The want of that record would have been, very possibly, an inappreciable, because unconscious, loss to many generations. A book which has creative power is, intrinsically, of more value than one which is merely communicative. If society is susceptible of unlimited progress, then the multiplying of "first sources" of knowledge cannot be carried too far.

Should it be replied that twenty well-selected libraries, of only a few thousand volumes each, would do vastly more good in preventing the rise of barbarism, than the gathering of one or two hundred thousand volumes at a single point, the Committee admit it. But to this the answer is easy. On the one hand, the contributions to a

central collection, if withheld from it, would almost never be bestowed elsewhere; and on the other hand, a great library always stimulates strongly to the formation of smaller ones outside of the immediate sphere of the parent depository.

Up to the morning on which the Committee met, the largest donation of the preceding year was that of the Rev. Dr. Walker, the late President of the University. The evening previous, the splendid library of C. G. Pickman, Esq., which he had generously bequeathed to the College, began to arrive, and was all delivered in season to be announced in the Librarian's Report. It is said to be "the largest single library but one ever given to the College," and if "the solitary life" led by its munificent donor determined its destination, it is another illustration of the good that often comes out of evil. The accession of this princely bequest will materially increase the necessity both of improved and of enlarged accommodations. Should the impression once become common that proper "applications for books and information" are liable to unavoidable delay, and even denial, one purpose of the Library would be defeated. For the last thirty years, the average increase has been about 2,000 volumes, and about 1,500 pamphlets, per annum. The Committee would call special attention to the importance of "providing for the preservation of some thousands of the unbound pamphlets," by arranging and binding them. Very many of them are of rare worth, could by no possibility be replaced, and yet cannot be freely used in their present state. There are

"several thousand maps" that ought to be made "more available, as well as more secure," than they are now, — a task, however, which the force at present employed, have no time to perform. Maps sometimes have great power. The discovery of an old map about twenty years ago is said to have saved Great Britain and the then United States from a collision about the boundary line between Maine and the Canadas.

The Committee deem it of the highest importance to direct the attention of the Board to one fact, namely: that all the donations of books that have been made, or that can ever be expected to be made, will not prevent the necessity of very many and expensive purchases. Donors give such books as they own, — such as their own tastes and pursuits have prompted them to procure. It is no reflection upon any man to say that scarce a donor would ever buy for his own use those rare, critical, and costly commentaries — on all the University text-books, for instance — which both teachers and students ought to have within their reach. They are indispensable to the best teaching and the highest scholarship. "For many of these, though specially needed," the man of science, we are told, would look in vain in the College Library. As a list of "those which are most imperatively called for" was some time since "prepared by the respective Professors," the Committee hope they may be obtained with the least possible delay.

Four hundred and seventy-nine donors to the Library during the year are enumerated on the

Librarian's list; of whom 27 were the editors of periodicals, 19 editors of newspapers, and 128 only, or less than one third, are marked as graduates of Harvard University.

It has been thought to be not improper, through the medium of this Report, to suggest to those clergymen, of all the various denominations, whose residence (not exceeding eleven miles from the College) entitles them to the free use of the Library, that they may very easily aid in rendering it still larger and better. Without feeling bound to make pecuniary contributions or donations of valuable books, (as most assuredly they are not,) might they not, nevertheless, commend the enlargement of the Library to their opulent parishioners? To the Librarian, also, might they not often, in the course of their reading, commend valuable works which have not yet found their way into the Library?

The Library of the Divinity School is reported to be in good order, not a book having disappeared during the year. Three hundred and ninety-eight volumes have been added since the last Report was made; of which two hundred and four were the liberal gift of Dr. Walker. The whole number of bound volumes in this Library is 9,056, and of unbound volumes 4,036; making a total of 13,092. In a mass of over four thousand volumes of theological pamphlets, there must be some hundreds of volumes which ought to be bound forthwith, in order to their preservation as repositories of invaluable truth. The Committee respectfully represent to the Board, that the value of the

Theological Library, and the obligations which its friends are under to the donors, seem to render imperative some provision for its greater security from destruction by fire. Several methods of accomplishing this object have been proposed,— all of which will doubtless suggest themselves to the intelligent consideration of the Board.

In a cursory examination of the Law Library, by a special deputation of the Committee, the series of volumes were found to be generally complete, and in place, the Library indicating care and attention on the part of the Librarian. The Committee hope to receive from this officer a somewhat more minute and positive account of the Library, for the Report of next year. The highly flourishing condition of that department of the University is perhaps a sufficient guarantee that the Law Library is worthily appreciated and protected.

In the last year's Report of the Committee, encouragement was given to expect ere long, "a large increase of the collection of Coins and Medals." Only six, however, have been added to the number. The Committee are impressed with the very great importance of this subject. As an auxiliary to history, the science of numismatology can hardly be overrated. Coins have been beautifully denominated "infallible vouchers." An English writer remarks that "the ancient historians so often omit from their narratives the dates of particular transactions that, were it not for these metallic documents, we should often be wholly unable to fix the order in which they occurred." John Foy Vaillant of Beauvais, may

be considered the father of numismatic science. The French ministry allowed him to travel at the expense of government. Once, when in great danger from the Algerine pirates, he hid some of his most valuable coins in his stomach. From this curious cabinet he is said, though a physician himself, not to have recovered them without much difficulty; doubtless, like all other physicians, preferring to try his experiments on any other stomach than his own.

In 1681, he set the example of arranging the order of events by following the inscriptions of coins, and then succeeded in settling, by the same means, the chronology of three great kingdoms,— Egypt, Syria, and Parthia. Ancient geography is hardly less indebted to numismatics. National character is strongly impressed and moulded by it. We all know how deeply the British nation have always gloried in seeing their native island, represented on the imperial coins by the figure of a female sitting with the labarum of power in her hand, and the ocean rolling under her feet. Ancient dress and arms are to be studied by the light of numismatic science.

The Committee have presumed upon these meagre references to show that the sons of Harvard, traversing, as they do, every part of the globe, can seldom render a more enduring service to science and civilization, than by begging or buying up all the foreign coins and medals they can lay their hands on, always remembering to furnish the clue to their most difficult hieroglyphics. Some of the most valuable

ones will soon be lost or defaced past all restoration. In New England alone, there are hundreds of them kept as curious trinkets, or hung upon the necks of young America to enable him to cut his teeth, or to perfect him in the art of mastication by giving him his *hardest* lesson to begin with. How delightful to think of a greasy urchin chewing up a Roman medal!

> "A black-eyed Cæsar, with
> The eagle's beak between those eyes which ne'er
> Beheld a conqueror, or looked along
> The land he made not Rome's."

More fitting often to have given him a "*Nero*," whose savage features bespeak "the imperial matricide and incendiary." A dime, or dollar at most, will often buy the best of them. At the time when the Continental paper money was issued, the moral of their mottoes was frequently worth more than the money. The "SHILLING PIECE" we remember well, with its now obsolete maxim encircling it, — "Americans, mind your business." Would that it might be tried once more as the true panacea for all our troubles, not excepting Secession itself.

The Committee went through with the customary careful professional inspection of University Hall, Harvard Hall, Boylston Hall, and of the Philosophical Apparatus, Comparative Anatomy, and Fine Portraits, with which they are respectively occupied.

For the Committee,

JOHN P. CLEAVELAND.

BOSTON, Jan. 31, 1861.

LIBRARIAN'S REPORT

JULY 13, 1860.

GENTLEMEN OF THE COMMITTEE FOR THE
ANNUAL EXAMINATION OF THE LIBRARY: —

Since the last Annual Examination, 15th July, 1859, Mr. Louis Thies has been making progress in the preparation of a very minute, thorough, explanatory catalogue of the Gray Collection of engravings; and a few books have been purchased to facilitate his labors.

Messrs. Whipple & Black, of Boston, Photographists, have given to the Library a collection of photographs of the class which graduated in 1858, accompanied by numerous photographic views of the college yard and buildings, and of places in the immediate vicinity. They have been bound by the class. With the daguerreotypes of the class which took their degrees in 1852, the Library now contains an almost complete series of the likenesses of the graduates and college officers from that time to the present. Of the earlier graduates no likeness has been given this year, though it is desirable to make as complete a collection as possible, of all since the foundation of the College.

April 23, 1860, the Library received from Mr. George Washington Wales, a new token of his

interest in the University and of his brotherly affection, in a bust of Henry Ware Wales, M. D., made by the Doctor's friend, Cantalamessa, of Rome. It stands by the side of the beautiful and valuable library which he bequeathed, and which is a striking ornament to Gore Hall.

The bust of Christopher Gore, which friends of the College employed Miss L. Lander to make, was received 27th of February, 1860, and occupies a conspicuous position in the building named in honor of one of the most munificent benefactors of the University.

On the third of July, 1860, a bust of John Thornton Kirkland, by Thomas A. Carew, of Cambridge, was substituted for a smaller one, which the same artist made several years before.

To the coins Mr. William Henry Jones, of Cambridge, Watchmaker and Jeweller, has added six, which were brought from Japan before the opening of commercial intercourse between that country and the United States.

Among the large number of graduates who have made donations to the Library since the last Annual Examination, are William Francis Allen, of West Newton, of the class of 1851; the Rev. Oliver Capen Everett, of Charlestown, of the class of 1832; the Rev. Richard Manning Hodges, and Professors Child, Torrey, and Francis, of Cambridge; Edward Everett, of the class of 1811; and Horace Binney, of Philadelphia, of the class of 1797. Fourteen volumes and 13 pamphlets have been received from Samuel Foster McCleary, of the class of 1841; 18 volumes and 96 pam-

phlets, besides maps and newspapers, from George Hayward, M. D., of the class of 1809; 18 volumes from Ezra Stiles Gannett, D. D., of the class of 1820; and 54 volumes and eight pamphlets from Henry Austin Whitney, of the class of 1846; — all of Boston. James Cushing Merrill, of Cambridge, of the class of 1842, has given 25 volumes besides pamphlets; Pliny Earle Chase, of Philadelphia, of the class of 1839, 30 volumes and 11 pamphlets; Nathaniel Leech Hooper, of Boston, of the class of 1846, 31 volumes and 38 pamphlets; William Eliot Lamb, of Boston, of the class of 1859, 36 volumes and 11 pamphlets; John William Pitt Abbot, of Westford, of the class of 1827, 39 volumes and 14 pamphlets; and Joseph Horace Clark, of Cambridge, of the class of 1857, 44 volumes and 73 pamphlets.

Henry Gardner Denny, of Boston, who graduated in 1852, and whose gifts during each of the last two years exceeded those of any other person, has manifested his continued interest, by presenting more than 60 volumes.

The largest donation from any individual is 296 volumes and 69 pamphlets, given by Ex-President Walker.

Seventy-nine volumes and 77 pamphlets have been received from the Hon. Seth Ames, of the class of 1825; and 87 volumes and 74 pamphlets from Richard Greene Parker, of the class of 1817, — both of Cambridge.

Charles Eliot Norton, of Cambridge, of the class of 1846, has made several donations, in addition

to 11 volumes in continuation of the valuable "Chronicles and Memorials of Great Britain."

From Professor James Russell Lowell, of the class of 1838, have been received 133 interesting and valuable modern books, many of which are indispensable to a well-furnished library. To these he has added the first edition of Robert Cushman's Sermon, written at Plymouth, in 1621, and published at London in 1622, it being the first printed sermon delivered in America. The pecuniary value of this little book would purchase a respectable private library, but one other copy of this edition being known to exist.

Charles Sanders, of Cambridge, of the class of 1802, has recently completed his gift of the magnificent work of Lepsius.

Charles Henry Davis, of the class of 1825, Captain in the United States Navy, and now resident in Cambridge, has given 114 pamphlets, and 52 volumes. He has also presented a large folio manuscript volume, containing a copy of the correspondence connected with the foundation of the "American Ephemeris and Nautical Almanac," of which he has been the Superintendent from its establishment, with the exception of about two years, when he was in command at sea.

Fitz Edward Hall, of Saugur, India, of the class of 1846, now Superintendent of Public Instruction in India, on his recent visit to this country, gave several volumes, which contain ample evidence of the diligence, ability, and success with which he has pursued the study of the Sanskrit and other

oriental languages and literature for thirteen years since his graduation.

The Hon. Charles Sumner, of the class of 1830, has given 60 volumes, 15 maps, and 330 pamphlets, and designated this Library for the reception of the documents of the second session of the thirty-fifth Congress. With the Hon. Henry Wilson he has succeeded in procuring for the Library, with the exception of those of the Senate for the first session of the thirty-fourth Congress, 1855–56, which are very much wanted, the documents from which this Library was cut off by an act limiting those for distribution to one set for each member.

Samuel Abbott Green, M. D., of Boston, of the class of 1851, who for several years has labored zealously in behalf of one of the most important but least appreciated departments of the Library, has given 79 volumes, and more than 1,000 pamphlets, besides duplicates, and has procured numerous gifts from others.

Josiah Quincy, of the class of 1790, the oldest living graduate, has placed in the Library thirty copies of the second edition of his History of Harvard University, which he has just published in the 89th year of his age.

Among the contributors who are not graduates have been the Rev. E. H. Downing, of Kirkwood, Mississippi; His Excellency Elias N. Conway, Governor of Arkansas; the Hon. George Gale, of Galesville, Wisconsin; Prof. Charles Dexter Cleveland, of Philadelphia, Pennsylvania; James Lenox, of New York City; John P. Gray, M. D., Physician and Superintendent of the New York

State Lunatic Asylum, at Utica, New York; and Mr. Louis Thies, of Cambridge.

Elias Miller Stilwell, Esq., of Bangor, Maine, has sent 17 volumes; and the Rev. Moncure Daniel Conway, of Cincinnati, Ohio, 39 volumes and 123 pamphlets. Reuben and Hannah Reed, of Boston, have given a box of pamphlets and newspapers; and another large box has been received from Francis Bemis, Esq., of Paris, Maine. Parcels and boxes of books, pamphlets, and newspapers have repeatedly come to the Library without any intimation of the sources from which they were derived; and of course I am not able to mention the donors' names.

Charles F. Bradford, of Roxbury, has given 27 volumes, including 27 volumes of Cleopatre, by Gautier de Costes de La Calprenède, published anonymously at Paris in 1657.

Lieut. George H. Preble, of the United States Navy, has presented the Imperial Chinese Dictionary of 32 volumes in 6 cases.

The Hon. Henry Wilson has sent several important volumes and pamphlets, and labored as usual to meet the wants of the Library.

Very important documents have been received from the Massachusetts Legislature; from E. B. O'Callaghan, M. D., of Albany, N. Y.; William T. Coggeshall, Esq., of Columbus, Ohio, Librarian of the State Library; and John R. Bartlett, of Providence, R. I.

Valuable gifts have come from Miss Kendall, of Plymouth, Miss Margaret Helen Gardner, of Boston, Mrs. Corinna A. Hopkinson and Mrs.

Lucy A. Pope, of Cambridge. Seventy-five volumes, besides duplicates, have been presented by Mrs. Harriet Stone, widow of the late Dr. William F. Stone, of Cambridge.

Donations have been received from several of the States, from various societies, and institutions, and proprietors of periodicals and newspapers, which are specified in the appended list of gifts.

When we pass beyond the limits of the United States, we notice important donations from the Legislative Assembly of Canada, Alpheus Todd, Esq., Librarian; through the Hon. Charles Walters, of St. John, a large collection of documents of the Assembly of New Brunswick, from the Honorable Speaker, J. M. Johnson; and important contributions from Thomas Beamish Akins, of Halifax, N. S.

William Longman, and B. B. Woodward, of London, England, Beriah Botfield, M. P., Sir Thomas Phillipps, of Middle Hill, in Worcestershire, Bart., and others have presented the Library with various of their productions. Archbishop Whately, of Dublin, during many years has sent all his works, and the different editions. Gifts have been received from the British Association for the Advancement of Science; from the Society of Arts, Manufactures, and Commerce; from the Royal Society; and, through G. B. Airy, from the Lords Commissioners of Admiralty.

The Library Committee of the Corporation of London, Frederick Woodthorpe, Town Clerk, has sent a catalogue of the Library of the Corporation.

From the University of Edinburgh has been received a catalogue of the graduates since its foundation, calling to mind an interchange of civilities, and an intimacy that existed between the officers of Harvard College and the eminent men of that Institution in the days of Robinson the historian, Blair the divine, and others.

A valuable collection of works comes every year from the learned men connected with the University of Christiania, in Norway.

The Imperial Geological and Geographical Societies, at Vienna, send their publications. An important collection of works has been received from the Library of the University of Göttingen, Prof. Karl Hoeck, Librarian; a few volumes have been transmitted from the Society of Northern Antiquaries at Copenhagen, and a few from Athens, in Greece.

During the year, many gifts have been received from American publishers, among whom are specially worthy of notice Abel Tompkins; William Veazie; Gould & Lincoln; Walker, Wise, & Co.; and Brown & Taggard, of Boston; and J. Munsell, of Albany, N. Y.

Messrs. Mason & Brothers, of New York, eminent publishers of music and of other works, have given 30 valuable volumes.

From the Executive Committee of the Congregational Board of Publication have been received 44 volumes of the standard works issued by them, and from the Massachusetts Sabbath School Society, 91 volumes.

Messrs. Ticknor & Fields, of Boston, who have

given to Harvard College Library more books than any other publishing house since the College was founded, have presented, since the last Annual Examination, 82 volumes, of the character and worth of which it is not necessary to say more than that Ticknor & Fields are the publishers.

Messrs. Oliver Ditson & Co. have given 200 of their valuable works of music. Among them are Thalberg's l'Art du Chant; Bach's Fugues; Mendelssohn's Songs without Words; methods of instruction for the organ, piano-forte, and the various musical instruments; collections of classical music (both sacred and secular); operas, oratorios, masses; various church-music books, and a complete set of Mozart's piano-forte sonatas.

It is gratifying to notice the number and character of the books and pamphlets given by authors. When we name Edwards Amasa Park, of Andover; John Hopkins Morison, of Milton; Alvan Lamson, of Dedham; George Sewall Boutwell, Secretary of the Massachusetts Board of Education; Charles Louis Flint, Secretary of the Massachusetts Board of Agriculture; Charles Eliot Norton, Frederic Dan Huntington, Emory Washburn, Daniel Treadwell, Jared Sparks, Joel Parker, Joseph Emerson Worcester, Evangelinus Apostolides Sophocles, of Cambridge; Charles Sumner, Oliver Wendell Holmes, Edward Everett, Jacob Bigelow, Josiah Quincy, of Boston; William Willis, of Portland, Maine; William Buell Sprague, and E. B. O'Callaghan, of Albany, N. Y.; Martyn Paine, and George Bancroft, of the City of New York; David Paul Brown, of Philadelphia, Penn.;

Charles Henry Davis, of the American Ephemeris and Nautical Almanac; Matthew F. Maury, of the Astronomical Observatory at Washington, D. C.; Alexander Dallas Bache, of the United States Coast Survey, and many others whom I might specify, from each of whom in the course of the year have been received more or less of the results of their labors, it will be seen that important additions have been made to the different departments, and particularly to those of biography, history, literature, theology, philology, and science. If every author would send one copy of each of his books, pamphlets, or maps, he would place them within reach of a large class of appreciative readers, and contribute materially to the growth of a library where they will be appreciated and probably preserved as long as they can withstand the ravages of time.

To all these gifts are to be added the purchases with the income of the Shapleigh Fund for books fitted to improve the students in polite literature; of the Salisbury Fund, for ancient classical authors, and works to illustrate them; of the Haven Fund for Mathematics and Astronomy; of the Ward and Hollis funds, unrestricted; and of the unprecedented gift of $5,000 a year for five years, by William Gray, of Boston, of the class of 1829. These, with the additions before named, make the number of volumes received from all sources during the year to be about 5,532, of which about 2,567 were gifts, and the number of pamphlets about 5,381, of which about 4,419 were donations; — without including

duplicates to be sold or exchanged, or the periodicals. To these are to be added gifts of 49 maps. This is the largest number of books or of pamphlets ever added to the Library in one year. And there are still heavy orders abroad for which returns have not been received. Thus there are really in Gore Hall, besides sale duplicates, more than 88,523 volumes. By actual measurement it is ascertained that the volumes, if placed in a line, would extend two miles and 176½ feet, each volume on an average occupying about an inch and a half of shelf room.

In addition to the volumes the Library probably contains, besides duplicates, about 50,000 pamphlets, as carefully catalogued, and as easily to be found as the volumes. I look back with satisfaction on the special efforts which for many years have been made to collect them. Though they require more time and labor than the same number of volumes, and are constantly said to cost more than they are worth, they contain information not to be found elsewhere; they reflect the spirit and sentiments of the age better than elaborate treatises, and are indispensable treasures in a good public library, where eminent historians, biographers, statisticians, statesmen, and men of letters in general, naturally look for whatever may shed light on the subjects of their investigation. They are so small, too, that they are likely to be torn in pieces, and every copy of entire editions to disappear. The efforts in this direction were begun and continued without the remotest idea of the pecuniary value which this class of

publications is likely to acquire with posterity. Within a few years the demand for materials to be converted into paper has increased so much that just at this time it seems as if all the pamphlets which are not in public libraries would be utterly destroyed. Besides junk-dealers in large towns and cities, the tinmen who penetrate every part of New England — and it is only in New England that much care of pamphlets has been taken — offer such compensation to housekeepers that they sell them at what they consider very high prices. On inquiry, I learn that ninety-eight tons of books and pamphlets, some of which had acquired a value unthought of by the persons through whose hands they passed, together with about the same quantity of newspapers and binder's trimmings, were ground up last year in only one of the various paper mills of this Commonwealth, all of which are clamoring for materials to make paper. As a consequence, in a year or two there will probably be very few pamphlets in the country. While, as with books, some will have but little value, others will command the fancy prices now paid for some of the early pamphlets relating to America; and the 50,000 now in Gore Hall will be regarded as a very important part of the wealth of the College Library.

The correctness of these statements is confirmed by the action of the Bodleian Library, which is paying fabulous prices for pamphlets and books that its founder did not think worth preserving, and of the British Museum, which is doing the same for what could have been procured a

century ago for little more than the asking, — the rubbish of one generation being the treasure of another. It is, therefore, desirable at once, so far as practicable, to secure at least for a few public libraries, copies of everything which is printed, for in the mysterious diversity of human investigations, there is nothing which may not at some time be important.

During the year, thirty-one volumes have been repaired; 458, after careful preparation at the Library, have been bound; 13 have disappeared, and 6 have been recovered. Another, which had been gone so long that its title is not contained in the catalogue printed in the year 1830, was recognized by its seal, among a quantity of pamphlets sent to a public library in this State, and courteously returned to me by the librarian.

One thousand three hundred and forty-two feet of shelf room have been put up by dividing alcoves 9, 17, and 24, and shelving parts of the reading-room, and of alcove 12. In the latter alcove ninety-four drawers, of a suitable width, and fifteen inches deep, giving a capacity of more than 117 feet, have been built, and they already contain, alphabetically arranged, about seventy feet of closely-packed cards of manuscript titles of books and pamphlets received since any catalogue was printed. These are in addition to eight large folio manuscript volumes of titles of pamphlets received from the years 1833 to 1850.

Considerable expense has been incurred by introducing Fresh Pond water through a pipe 350 feet long from Boylston Hall, and by digging

a deep drain of 450 feet from the southeast tower along the east and north sides of Gore Hall, and thence in a northwesterly direction, to an outlet, for the purpose of stopping the water which during several weeks in each year flowed through the cellar from the clayey elevation on the east. But these improvements were demanded for the comfort and health of persons employed in the Library, and by the necessity of making an effort to check the dampness occasionally found on the books.

With a view to increase the usefulness of the Library, a change has been made, by which it is now kept open in term time, on the first five secular days of the week, from 9 A. M. till 1 P. M., and from 2 P. M. till 5 P. M., or till sunset when that is before 5; instead of being entirely closed on Friday afternoons, and at 4 P. M., on other days. Persons may also borrow and return books at all hours when the Library is open, instead of being limited to two hours on four days of each week.

A rack has been built for new numbers of periodicals, of which about one hundred and fifty are taken, and they are now accessible to all.

In the area of the Hall have been placed several show-cases, in which are deposited manuscripts, and other rarities and curiosities.

The prosperity of the Library, and the extension of the facilities for using it have greatly increased the labors of all who are connected with its administration. Every department has been tasked to an oppressive extent. Though in consequence of

the arduousness of Mr. Abbot's labors and his illness, Mr. Charles Ammi Cutter, a graduate in 1855, has been associated with him, for the last two months, the demand for aid everywhere in Gore Hall, throughout the year, has so far exceeded the supply, that it has been entirely beyond the combined physical powers of all employed in it, to attend to the applications for books and information, to make out the lists of books to be bought, and to place the accessions in the same condition for use as the volumes previously received. Several alcoves are suffering for want of rearrangement and the incorporation of the new books. Some of the alcove catalogues, and portions of others ought to be rewritten, as there are so many interlineations of titles, that they are nearly unintelligible to the members of the examining committee, without oral explanation. Modern works should be substituted for the greater part of the contents of alcove 1, which is especially designed for the students, to which they have free access, and which imperatively calls for a new alphabetical catalogue. Large quantities of pamphlets and volumes ought to be prepared and sent to the binder, and others to be put in places where they can be found. There are several thousand maps which ought to be arranged, with a view to greater convenience, and there is a large pile to be incorporated with them. A manuscript alphabetical catalogue of abbreviated titles of the 60,000 volumes and 40,000 pamphlets received since the Supplement was printed in September, 1833, ought to be made

from the cards, and placed where it will be accessible to every one. The work of the Library is necessarily falling into arrears. Nothing is gained, and there are great evils resulting from it. Let the force be ample and competent to provide promptly for all accessions, and to make the changes which are thereby rendered necessary, throughout the Library, and by far less time will be lost in trying to ascertain whether certain books belong to the Library, or where those are which may have been received but have not reached their destination on the shelves; fewer duplicates will be bought; there will not be the distressing and discouraging sensation of toiling year after year to bring up arrears without ever accomplishing it; the books will speedily be put in a condition to be used; work will progress easily; system and order will take the place of what in a few years will otherwise become constant hurry, confusion, mistakes; and there will be time and means to introduce new plans of improvement and usefulness.

These remarks are not made by way of complaint. The wants which I have noticed grow out of the unprecedented prosperity of the Library, which calls for an unprecedented amount of force, to give to it at once, and constantly afterward, its greatest usefulness. In the coming year the accessions will probably make it necessary to use the greater part of the shelf room that may be gained by dividing the remaining alcoves on the lower floor. And then will arise the question, What shall be done to enlarge the accommoda-

tions? Will it be advisable to have recourse to expensive alterations, which may mar the beauty of the interior of Gore Hall, without satisfactorily accomplishing the desired object? Shall the building be enlarged? Or will it be better to erect another building, which shall contain many important improvements that cannot be introduced into Gore Hall.*

The bequest of Clarke Gayton Pickman, which came last evening and this morning, and for want of a temporary depositing room now lies partly in boxes on the open floor, will give point to the statements just made. It also calls up many pleasant and touching memories. Mr. Pickman was born at Salem, 22 November, 1791; graduated in the class of 1811; lived many years in Cambridge, and died in Boston, 11 May, 1860. He was a man of a sensitive physical organization, of warm sympathies, modest, often distrustful of the correctness of his own opinions, occasionally depressed, and at other times overflowing with joyousness and wit. He was fond of buying and reading choice editions of good books, and often gave them to his friends. He occasionally sent to Gore Hall such works as the State Trials, Pickering's reprints of the various editions of the Common Prayer, the four-volume edition of Wycliffe's Bible, and often expressed his hope that his

* As I stated on a former occasion, there is not in Gore Hall a room which is not used as an alcove. Besides the reading-room and the area in the large part of the building, seven of the alcoves, six of them on the lower floor, are constantly used for work which ought to be done without molestation or interruption in private rooms. There is not a room in the building to which the Librarian can retire for a few minutes with a friend or a Committee for consultation, or where he can leave bills, papers, or unfinished letters, without the possibility of their being disturbed.

collection would ultimately come to the College. He gathered around him, as the companions of a solitary life, more than 3,000 volumes, many of them elegantly bound, comprising several illustrated books, but consisting almost entirely of standard works of English literature, in the best editions, — a very rich collection. With the exception of the Ebeling, purchased and presented by Col. Israel Thorndike, of Boston, more than forty years ago, it is the largest collected library ever incorporated with the public library. It makes the accessions during the year exceed 8,500 volumes, or more than double the number added in any other year since the College was founded, and increases the number in Gore Hall to more than 91,500, and the total in all the libraries of the University to about 137,500 volumes.

Your obedient servant,

JOHN LANGDON SIBLEY,

Librarian.

LIST OF DONORS TO THE LIBRARY FROM JULY 15, 1859, TO JULY 13, 1860.

Samuel Abbott Green	H. U. 1851,	Boston.
Oliver Ditson & Co.		Boston.
Seth Ames	H. U. 1825,	Cambridge.
George Livermore		Cambridge.
Rev. George Faber Clark		Norton.
William F. Goodwin		Concord, N. H.
Fred. A. Packard		Philadelphia, Pa.
St Francis Xavier College		New York, N. Y.
Congregational Board of Publication		Boston.
Rev. E. H. Downing		Kirkwood, Miss.
Daniel Goodnow		Alfred, Me.
Francis Parkman Denny		Dorchester.
Asa Gray, Fisher Professor in		Harvard University.
James W. Thompson, D. D.		West Roxbury.
Francis Phelps	H. U. 1837,	Boston.
Francis Brinley	H. U. 1818,	Tyngsboro'.
Sever and Francis		Cambridge.
Daniel Talcott Smith Leland	H. U. 1860,	Cambridgeport.
Rev. E. W. Maxcy		Warren, R. I.
Wm. Stevens Perry	H. U. 1854,	Nashua, N. H.
Charles Alexander Nelson	H. U. 1860,	Cambridgeport.
Matthew F. Maury		Washington, D. C.
U. S. Department of State		Washington, D. C.
Rev. Charles F. Hudson		Cambridge.
St. James's College		Washington Co., Md.
Danford Thomas, Professor in		Georgetown Col., Ky.
Commissioners of Public Schools		Baltimore, Md.
Samuel Foster McCleary	H. U. 1841,	Boston.
Thomas Chase, Professor in	H. U. 1848,	Haverford Col., Pa.
Charles Gale		Galesville, Wis.
William Eliot Lamb	H. U. 1859,	Boston.
James Munroe & Co.		Boston.
Richard Wenman Swan	H. U. 1842,	Albany, N. Y.
Phillips, Sampson, & Co.		Boston.
Archbishop Whately		Dublin, Ireland.
Abel Tompkins		Boston.
Charles Henry Davis, U. S. N.	H. U. 1825,	Cambridge.
Massachusetts Legislature.		
Rhode Island Legislature.		
Samuel Dana Hosmer	H. U. 1850,	Eastport, Me.
Ticknor & Fields		Boston.
Henry A. Sykes		Suffield, Conn.
New Jersey Historical Society		Newark, N. J.

Horace Davis - - - H. U. 1849,	San Francisco, Cal.
Fred. Dan Huntington, Plummer Professor in	Harvard University.
F. W. Christern - - - - - -	New York, N. Y.
Little, Brown, & Co. - - - - -	Boston.
James Grant Wilson - - - - -	Chicago, Ill.
James Lenox - - - - - - -	New York, N. Y.
Mercantile Library Association - - -	New York, N. Y.
Osmond Tiffany - - - - - -	Springfield.
Thomas Beamish Akins - - - - -	Halifax, N. S.
Francis Bemis - - - - - -	Paris, Me.
William Cothren - - - - - -	Woodbury, Conn.
U. S. Coast Survey Office - - - -	Washington, D. C.
Historical Society - - - - - -	Chicago, Ill.
Pennsylvania College - - - - -	Gettysburg, Pa.
Nashville University - - - - -	Nashville Tenn.
Jared Sparks - - - H. U. 1815,	Cambridge.
Henry Warren Torrey - - H. U. 1833,	
McLean Professor in - - - -	Harvard University.
Rev. Alonzo H. Quint - - - - -	West Roxbury.
Ferdinand Cartwright Ewer - H. U. 1848,	San Francisco, Cal.
Tennessee State Library - - - -	Nashville, Tenn.
Leonard & Co. - - - - - -	Boston.
Alvah Black - - - - - - -	Paris, Me.
Stephen Buttrick Noyes - - H. U. 1853,	Brooklyn, N. Y.
James Clarke Davis - - H. U. 1858,	Greenfield.
Marcia A. Thomas - - - - -	Marshfield.
David Paul Brown - - - - -	Philadelphia, Pa.
Malcolm Maceuen - - - H. U. 1855,	Philadelphia, Pa.
Rev. E. M. Stone - - - - -	Providence, R. I.
Samuel Flower - - - - - -	Feeding Hills.
The Misses Flower - - - - -	Feeding Hills.
Margaret H. Gardner - - - - -	Boston.
Henry Stone - - - - - -	Bolton.
William T. Coggeshall - - - - -	Columbus, Ohio.
George Jacob Abbot - - H. U. 1835,	Washington, D. C.
Samuel G. Newman - - - - -	Pawtucket, R. I.
Solomon Lincoln - - - H. U. 1857,	
Tutor in - - - - - - -	Harvard University.
Mark Hopkins, President of - - - -	Williams College.
E. B. O'Callaghan, M. D. - - - -	Albany, N. Y.
Levi M. Stevens - - - - - -	Cambridge.
Thomas J. Whittemore - - - - -	Cambridge.
Franklin Benjamin Sanborn - H. U. 1855,	Concord.
Benjamin Edmands - - - - -	Charlestown.
Lords Commissioners of Admiralty - -	London, Eng.
Rufus Leighton, Jr. - - - - -	Boston.
Royal Society - - - - - -	London.
James Walker - - - H. U. 1814,	
Late President of - - - - -	Harvard University.
Imperial Geological Society - - - -	Vienna, Austria.
Louis Thies, Curator of the Gray Collection in	Harvard University.
University of Edinburgh - - - -	Edinburgh, Scotland.
Whipple & Black, Photographists - - -	Boston.
Richard F. Fuller - - - H. U. 1844,	Boston.
Rev. Samuel Hopkins - - - - -	Northampton.

Wm. Richards Lawrence, M. D.	Boston.
American Philosophical Society	Philadelphia, Pa.
Edwin Augustus Davis	Northborough.
J. Munsell	Albany, N. Y.
Joel Parker, Royal Professor in	Harvard University.
Rev. William Rounsville Alger	Boston.
H. Battelle	Fall River.
Ezra Stiles Gannett H. U. 1820,	Boston.
James Russell Lowell H. U. 1838,	
Smith Professor in	Harvard University.
Convers Francis H. U. 1815,	
Parkman Professor in	Harvard University.
George Bancroft H. U. 1817,	New York, N. Y.
Nathaniel Bradstreet Shurtleff H. U. 1831,	Boston.
Joseph Willard H. U. 1855,	Boston.
Benjamin Eddy Cotting H. U. 1834,	Roxbury.
Isaac Lea, LL. D.	Philadelphia, Pa.
Usher Parsons, M. D.	Providence, R. I.
Tennessee Historical Society	Nashville, Tenn.
Hosea Ballou, 2d, D. D., President of	Tufts College.
Gould & Lincoln	Boston.
Thomas Whittemore, D. D.	Cambridgeport.
James M. Mathews, D. D.	New York, N. Y.
William Pepperell Mellen	Natches, Miss.
Joseph T. Buckingham	Cambridge.
Edwards Amasa Park, D. D.	Andover Theo. Sem.
William Veazie	Boston.
Dorothy L. Dix	Boston.
B. F. Baker	Boston.
Warren F. Draper	Andover.
Benjamin W. Dwight	Clinton, N. Y.
Cornelius Conway Felton H. U. 1827,	
President of	Harvard University.
Rev. Edward Ballard	Brunswick, Me.
Felix Flügel	Leipzig, Germany.
Massachusetts Sabbath School Society	Boston.
Caleb Davis Bradlee H. U. 1852,	Roxbury.
Francis James Child H. U. 1846,	
Boylston Professor in	Harvard University.
Oliver Capen Everett H. U. 1832,	Charlestown.
Nathan Appleton	Boston.
Henry Gardner Denny H. U. 1852,	Boston.
James Cushing Merrill H. U. 1842,	Cambridge.
Massachusetts State Department	Boston.
B. B. Woodward	London, England.
Providence Athenæum	Providence, R. I.
John P. Gray, M. D.	Utica, N. Y.
J. Smith Homans	New York, N. Y.
J. M. Stark	New York, N. Y.
Samuel Nicolson	Cambridge.
Thomas Henry Pryor H. U. 1859,	Cambridge.
William Macdonald	Cambridge.
Charles King, LL. D., in behalf of	Columbia Coll. N. Y.
Ezra Abbot, Jr., Assistant Librarian of	Harvard College.
Reuben Reed	Boston.

Hannah Reed	Boston.
Henry Clark	Poultney, Vt.
Prof. Charles D. Cleveland	Philadelphia, Pa.
Benjamin Peirce, H. U. 1829, Perkins Professor in	Harvard University.
Thomas Lee	Brookline.
Joseph Willard, H. U. 1816,	Boston.
William Buell Sprague, D. D.	Albany, N. Y.
William Henry Jones	Cambridge.
George Adam Schmitt, Instructor of German in	Harvard University.
Frederic Augustus Whitney, H. U. 1833,	Brighton.
Leonard Woods, D. D., President of	Bowdoin College, Me.
Arthur Theodore Lyman, H. U. 1853,	Brookline.
D. Trumbull	Valparaiso, Chili.
Thomas B. Florence	Philadelphia, Pa.
Charles W. Swasey	Salem.
Edward Jarvis, H. U. 1826,	Dorchester.
Joseph G. Hoyt, LL. D., Chancellor of Washington University	St. Louis, Mo.
A. K. Loring	Boston.
Trustees of the Public Library	Boston.
Massachusetts Historical Society	Boston.
Boston Society of Natural History	Boston.
Robert M. Hartley	New York, N. Y.
James Carson Brevoort	Brooklyn, N. Y.
Maine Historical Society.	
Henry A. True, M. D.	Marion, Ohio.
Elias N. Conway, Governor of	Arkansas.
British Association for the Advancement of Science	London, England.
Hercules Warren Fay, H. U. 1862,	Westboro'.
George Convers Francis, H. U. 1854,	Cambridge.
Haverford College	Haverford, Pa.
Antioch College	Yellow Springs, Ohio.
Beloit College	Beloit, Wis.
Middlebury College	Middlebury, Vt.
Brown University	Providence, R. I.
Wabash College	Crawfordsville, Ind.
American Philosophical Society.	Philadelphia, Pa.
Rev. Judson H. Hopkins	Ravenswood, N. Y.
Edward Bayard Hill	Albany, N. Y.
Edward Everett, H. U. 1811,	Boston.
American Sunday School Union	Philadelphia, Pa.
Ebenezer Clapp	Dorchester.
Thurston, Miles, & Pritchett	Cambridgeport.
Caroline A. H. Dall	Boston.
Hiram F. Stevens, M. D.	St. Albans, Vt.
Richard Manning Hodges, H. U. 1815,	Cambridge.
Charles Sumner, H. U. 1830,	Boston.
William Bentley Fowle	Roxbury.
New England Historic Genealogical Society	Boston.
American Unitarian Association	Boston.
Buckminster Brown, M. D.	Boston.
Horace Binney, H. U. 1797,	Philadelphia, Pa.
Marshall Conant	Bridgewater.

Horatio Wood	H. U. 1827,	Lowell.
George B. Wood, M. D.		Philadelphia, Pa.
Charles E. Hodges	H. U. 1847,	Dorchester.
Corinna A. Hopkinson		Cambridge.
Gerard Curtis Tobey	H. U. 1858,	Wareham.
American Antiquarian Society		Worcester.
Charles Eliot Norton	H. U. 1846,	Cambridge.
University, through Professor Karl Hoeck, Librarian		Göttingen.
Joseph Emerson Worcester, LL. D.		Cambridge.
Hannah B. Hunt		Camden, Me.
George Hayward	H. U. 1809,	Boston.
Anne Wales Abbot		Cambridge.
American Anti-Slavery Society.		
Frederic Kidder		Boston.
Horatio Robinson Storer	H. U. 1850,	Boston.
Richard Greene Parker	H. U. 1817,	Cambridge.
George H. Tucker, M. D.		New York, N. Y.
Milton Palmer Braman	H. U. 1819,	South Danvers.
John L. Locke		Belfast, Me.
John R. Thompson		Richmond, Va.
James Chamberlin		Lewisburg, Pa.
Francis Caleb Loring	H. U. 1828,	Boston.
Benjamin F. Wyeth		Cambridge.
Peleg Sprague	H. U. 1812,	Boston.
J. Berrien Lindsley, Chancellor of the Univ'ty,		Nashville, Tenn.
Mercantile Library		Philadelphia, Pa.
Daniel Waldo Stevens	H. U. 1846,	Mansfield.
William Appleton		Boston.
G. H. Flattich		Boston.
Freeman Norton Blake		Kansas.
Class of 1833, through Prof. H. W. Torrey.		
George Stillman Hillard	H. U. 1828,	Boston.
Joseph Horace Clark	H. U. 1857,	Cambridge.
Joseph B. Walker		Concord, N. H.
Thomas Wentworth Higginson	H. U. 1841,	Worcester.
Mason Brothers		New York, N. Y.
Charles Hudson		Lexington.
Young Men's Mercantile Library Association		Cincinnati, Ohio.
Charles F. Bradford		Roxbury.
S. Urbino		Boston.
Illinois College		Jacksonville, Ill.
Alexander Dallas Bache, Superintendent U. S. Coast Survey		Washington, D. C.
William Allen	H. U. 1837,	East Bridgewater.
Thomas W. Silloway		Boston.
William Allen	H. U. 1802,	Northampton.
Lieut. George H. Preble		U. S. Navy.
Elder Miles Grant		Boston.
John M. Galt, M. D.		Williamsburg, Va.
W. L. Sutton		Georgetown, Ky.
Andrew McFarland, M. D.		Jacksonville, Ill.
Joseph Sabin		Philadelphia, Pa.
Eugene Snyder		Harrisburg, Pa.
John Milton Hewes		Boston.

Charles Ammi Cutter - - H. U. 1855, Cambridge.
Joseph Green Cogswell - - H. U. 1806,
Librarian, Astor Library - - - - New York, N. Y.
City Government - - - - - - Manchester, N. H.
Nova Scotia Literary and Scientific Society,
Hugo Reid, Secretary - - - - Halifax, N. S.
Henry Wilson, U. S. S. - - - - - Natick.
Amos Adams Lawrence - - H. U. 1835,
Treasurer of - - - - - Harvard University.
John Spare, M. D. - - - - - - New Bedford.
Sherman Wolcott Adams - - - - Wethersfield, Conn.
Arthur Buckminster Fuller - H. U. 1843, Watertown.
Henry Williamson Haynes - H. U. 1851, Boston.
G. Parker Lyon - - - - - - Concord, N. H.
James Loring Baker - - H. U. 1833, Boston.
George S. Boutwell, Secretary of the Mass. Board of Education.
Upham, Ford, & Olmstead - - - - Boston.
William Sumner Appleton - H. U. 1860, Boston.
Roswell Shurtleff, Prof. in Dartmouth College, Hanover, N. H.
Walker, Wise, & Co. - - - - - Boston.
New Hampshire Legislature.
New York Historical Society - - - - New York, N. Y.
Henry Melville Parker - - H. U. 1839, Cambridge.
Charles Knapp Dillaway - H. U. 1825, Roxbury.
Oliver Wendell Holmes - - H. U. 1829,
Professor in - - - - - - Harvard University.
Western Reserve College - - - - Hudson, Ohio.
George F. Read - - - - - - Salem.
Ivison, Phinney, & Co. - - - - - New York, N. Y.
Edward Gardiner Abbott - H. U. 1860, Lowell.
James Munson Barnard - - - - - Boston.
W. C. Kerr, Professor in - - - - - Davidson Coll., N. C.
Nathaniel Glover Allen - - H. U. 1842, Auburndale.
Evangelinus Apostolides Sophocles, Professor in Harvard University.
Charles Wistar Stevens - - H. U. 1860, Charlestown.
George Dexter - - - H. U. 1858, Cincinnati, Ohio.
Nathaniel Leech Hooper - H. U. 1846, Boston.
Nathaniel D. Sawin - - - - - Cambridge.
Horatio Deming Jarves - - H. U. 1860, Boston.
Edwin Johnson Horton - - H. U. 1860, Pomeroy, Ohio.
Young Men's Association - - - - Troy, N. Y.
John Amory Lowell - - H. U. 1815, Boston.
Joshua Pollard Blanchard - - - - Boston.
Henry Tuke Parker - - H. U. 1842, London, England.
Joseph Iasigi, Turkish Consul at - - - Boston.
South Carolina College - - - - - Columbia, S. C.
Lorenzo Sabine - - - - - - Boston.
J. Wingate Thornton - - - - - Boston.
Stephen T. Farwell - - - - - Cambridge.
Winslow Lewis - - - H. U. 1819, Boston.
Royal University - - - - - - Christiania, Norway.
John Ordronaux, M. D. Prof. in Columbia Coll., Roslyn, N. Y.
Legislative Assembly of Canada, Alpheus Todd, Librarian.
Wm. Pitt Greenwood Bartlett H. U. 1858, Cambridge.

Lucy A. Pope - - - - - - Cambridge.
Rev. Elihu P. Marvin - - - - - Medford.
City Government - - - - - - Boston.
Walter Clifford Crowninshield - H. U. 1863, Salem.
Daniel Coit Gilman, Librarian Yale College - New Haven, Ct.
Charles Francis Barnard - H. U. 1828, Boston.
Edward Payson Thwing - - H. U. 1855, Portland, Maine.
Mark Trafton - - - - - - Fall River.
John Hopkins Morison - - H. U. 1831, Milton.
James Lewis Foley - - - - - Covington, Ky.
Jacob Bigelow - - - H. U. 1806, Boston.
Rev. Jacob Fowler - - - - - Illinois.
William Eliot Furness - - H. U. 1860, Philadelphia, Pa.
John Bartlett - - - - - - Cambridge.
T. W. Reeve - - - - - - New York, N. Y.
Francis James Child - - H. U. 1846,
Boylston Professor in - - - - Harvard University.
Fitz Edward Hall - - H. U. 1846, Saugur, India.
Thomas S. Kirkbride, M. D. - - - - Philadelphia, Pa.
Sylvester Waterhouse - - H. U. 1853,
Professor in Washington College - - St. Louis, Mo.
Ohio State Library, Wm. T. Coggeshall, Libr., Columbus, Ohio.
American Association for the Advancement of Science, Prof. J. Lovering, Secretary.
Rev. Allyn S. Kellogg - - - - - Vernon, Conn.
Joanna Simpson Douglass - - - - Cambridge.
William Watson Goodwin - H. U. 1851,
Eliot Professor in - - - - - Harvard University.
Brown, Taggard, & Chase - - - - Boston.
Charles L. Flint - - - H. U. 1849,
Secretary of Mass. Board of Agriculture - Boston.
Samuel Haycraft - - - - - - Hardinsburg, Ky.
John D. Runkle - - - - - - Cambridge.
Thomas Bayley Fox - - H. U. 1828, Boston.
James Morison - - - H. U. 1844,
Professor in the University of the Pacific, San Francisco, Cal.
Lydia Maria Child - - - - - - Wayland.
John Turner Sargent - - H. U. 1827, Boston.
Daniel Jefferson - - - - - - Boston.
Henry Wadsworth Longfellow, LL. D. - - Cambridge.
J. A. Stargardt - - - - - - Berlin, Prussia.
James Spear Loring - - - - - Boston.
George W. Wheeler - - - - - Worcester.
Alvan Lamson - - - H. U. 1814, Dedham.
George W. Fox - - - - - - Boston.
William Francis Allen - - H. U. 1851, West Newton.
Frederic Huidekoper - - - - -
Prof. in Theol. Seminary - - - - Meadville, Pa.
Emory Washburn, Professor of Law in - - Harvard University.
T. Bigelow Lawrence - - H. U. 1846, Boston.
John Lathrop - - - - - - Boston.
Charles Sanders - - - H. U. 1802, Cambridge.
David Roberts - - - H. U. 1824, Salem.
Abigail Devereux Waters - - - - Salem.
Henry Thayer, M. D. - - - - - Cambridgeport.

Rev. Moncure Daniel Conway - - -	Cincinnati, Ohio.
Beriah Botfield, M. P. - - - - -	London, England.
Sir Thomas Phillipps, Baronet, Middle Hill, -	Worcestershire, Eng.
Henry Freeman Allen - - H. U. 1860,	Boston.
City Government - - - - - -	Roxbury.
City Government - - - - - -	Lowell.
Frank Humphreys Storer - - - -	Boston.
James G. Haswell - - - - - -	Hardinsburg, Ky.
Henry Adolphus Miles, D. D. - - - -	Boston.
Corporation of the City - - - - -	London, England.
Senatus Academicus of the University at -	Edinburgh, Scotland.
John M. Johnson, Speaker of the Assembly of	New Brunswick.
Martyn Paine - - - H. U. 1813,	
Professor in the University of - - -	New York, N. Y.
William Ellery Copeland - H. U. 1860,	Roxbury.
Mercantile Library Association - - -	San Francisco, Cal.
James Redpath - - - - - -	Malden.
Harriet Stone - - - - - -	Cambridge.
Middlesex Mechanic Association - - -	Lowell.
Thaddeus Davids & Co. - - - - -	New York, N. Y.
Henry Stevens - - - - - -	London.
Charles Sanders Peirce - - H. U. 1859,	Cambridge.
Library of the U. S. Military Academy - -	West Point, N. Y.
U. S. Department of State - - - -	Washington, D. C.
John William Pitt Abbot - H. U. 1827,	Westford.
Edward Franklin Everett - H. U. 1860,	Charlestown.
William Longman - - - - - -	London, England.
Rev. Seth Chandler - - - - -	Shirley.
Daniel Treadwell - - - - - -	Cambridge.
Edward Wigglesworth - - H. U. 1861,	Boston.
Miss Kendall - - - - - - -	Plymouth.
Henry Wilder Foote - - H. U. 1858,	Salem.
William McEllroy - - - - - -	Cambridge.
A. W. Chapman, M. D. - - - - -	Appalachicola, Fa.
D. Pantaze - - - - - - -	Athens, Greece.
Joseph Palmer - - - H. U. 1820,	Boston.
John Fothergill Waterhouse Ware, H. U. 1838,	Cambridgeport.
Elias Miller Stillwell - - - - -	Bangor, Maine.
Pliny Earle Chase - - - H. U. 1839,	Philadelphia, Pa.
Nelson Joseph Wheeler - - H. U. 1860,	Sheboygen, Wis.
Henry H. Babcock - - - - -	Somerville.
Thomas Sherwin - - - H. U. 1860,	Dedham.
James Mills Peirce - - - H. U. 1853,	Cambridge.
John Henry Bradbury - - - - -	Cambridge.
Horace Parnell Tuttle - - - - -	Cambridge.
George Baxter Pomeroy - - - -	Cincinnati, Ohio.
Ashbel Woodward, M. D. - - - -	Franklin, Conn.
Henry Austin Whitney - - H. U. 1846,	Boston.
John William Stearns - - H. U. 1860,	Racine, Wis.
Charles Carroll Soule - - H. U. 1862,	Brookline.
Lawson Carter Merrill - - - - -	Green Bay, Wis.
American Female Guardian Society - -	New York, N. Y.
Jonathan Pearson - - - - - -	Union College, N. Y.
Jacob Cooper, Professor Centre College - -	Danville, Ky.
Charles Appleton Phillips - H. U. 1860,	Salem.

Caleb Stark - - - - H. U. 1823,	Dunbarton, N. H.
James Grant Wilson - - - - -	Chicago, Illinois.
David Metcalf - - - - - -	Worcester.
James Huntington - - - H. U. 1852,	Cambridge.
Ellen M. Dowling - - - - - -	East Cambridge.
Charles H. Morse - - - - - -	Cambridgeport.
University of McGill College - - - -	Montreal, C. E.
S. Hastings Grant, Librarian Merc. Library -	New York, N. Y.
Smithsonian Institution - - - - -	Washington, D. C.
Theophilus Parsons - - H. U. 1815,	
Dane Professor in - - - - -	Harvard University.
William Tufts Brigham - - H. U. 1862,	Boston.
Edward Hammond Clarke - H. U. 1841,	
Professor in - - - - - -	Harvard University.
H. McLauchlin - - - - - -	Washington, D. C.
Royal Society of Northern Antiquaries - -	Copenhagen.
Josiah Quincy - - - H. U. 1790,	Boston.
Bequest of Clarke Gayton Pickman, H. U. 1811,	Boston.

Editors and Proprietors of the following Periodicals: —

Advocate of Peace - - - - -	Boston.
Atlantic Monthly - - - - - -	Boston.
Boston Medical and Surgical Journal - -	Boston.
Boston Musical Times - - - - -	Boston.
Brownson's Quarterly Review - - -	New York, N. Y.
Canadian Journal of Industry, Science, and Art	Toronto, C. W.
Congregational Quarterly - - - -	Boston.
Deutsche Musik Zeitung - - - -	Philadelphia, Pa.
Dwight's Journal of Music - - - -	Boston.
Harvard Magazine - - - - -	Cambridge.
Historical Collections of the Essex Institute -	Salem.
Journal of the N. Y. State Agricultural Society,	Albany, N. Y.
Journal of the Society of Arts, &c. - - -	London, England.
Ladies' Repository - - - - - -	Boston.
Massachusetts Teacher - - - - -	Boston.
Methodist Quarterly Review - - - -	New York, N. Y.
Missionary Herald - - - - - -	Boston.
Monthly Journal of the American Unitarian Association - - - - - -	Boston.
Monthly Religious Magazine - - - -	Boston.
Musical World - - - - - -	New York, N. Y.
New Church Magazine for Children - -	Boston.
New Jerusalem Magazine - - - -	Boston.
New York Musical Review - - - -	New York, N. Y.
Opal, edited by patients of the State Lunatic Asylum - - - - - - -	Utica, N. Y.
Student and Schoolmate - - - -	Boston.
Universalist Quarterly - - - - -	Boston.
Upper Canada Journal of Education - -	Toronto, C. W.

Editors and Proprietors of the following Newspapers: —

Banner of Light - - - - - -	Boston.
Boston Daily Advertiser - - - -	Boston.
Boston Daily Courier - - - - -	Boston.

Colonization Herald	Philadelphia, Pa.
Daily Evening Traveller	Boston.
Dubuque Herald	Dubuque, Iowa.
Life Illustrated	New York, N. Y.
Lowell Weekly Journal	Lowell.
Marlborough Mirror	Marlborough.
Missouri Post (in German)	Kansas City, Mo.
Mount Auburn Memorial	Cambridge.
New York Colonization Journal	New York, N. Y.
New York Semi-Weekly Evening Post	New York, N. Y.
Norfolk County Journal	Roxbury.
Railroad Mercury	South Groton.
Saturday Evening Gazette	Boston.
Spiritual Eclectic	Boston.
Sunday School Times	Philadelphia, Pa.
Trumpet and Universalist Magazine	Boston.

The Librarian regrets that the preceding list necessarily incomplete, — many gifts having been received without any memoranda to designate the sources from which they were derived.

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